

A N
E S S A Y

ON THE

English Constitution

A N D

GOVERNMENT.

By EDWARD KING, Esq. *K*
Of *Lincoln's-Inn.*

L O N D O N :

Printed for BENJAMIN WHITE,
at Horace's Head,
in Fleet-street.

M.DCC.LXVII.

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PREFACE.

IT may perhaps be thought too bold an attempt, to venture into the world so trivial a performance, on a subject so important :

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But

But a truth may often be made apparent in a few words as well as in a voluminous work ; and then the latter is unnecessary. The Author does not, however, presume to think that what he has written is so full and satisfactory as to need no addition : he only imagines that he has gone far enough to bring

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bring somewhat to light that has hitherto been unnoticed, and he leaves it to others, of greater abilities, to treat the Subject in a more copious and masterly manner.

---The position advanced in these sheets appears to him to be founded on a variety of undoubted facts, which he has endeavoured here to state

state fairly : how far
his conclusions are right,
he submits to the judg-
ment of the reader ; and
wishes nothing more than
to have this little pamph-
let read with the same
candour with which it
was wrote. ----- Mr.
Hurd, in his ingenious
Dialogues, has shewn
that every change made
in our Constitution was in
fa-

(vii)

favour of Liberty : and the design of this Essay is to go one step further, and to show how that came to be the case. --- The Author has only this to add, that he is conscious there may be great defects in the stile, which he would have rendered more elegant had he been able ; but it has always been his endeavour rather to study
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dy the investigation of
truth, than how to dress
it in a pleasing form.

AN
E S S A Y

ON THE
English Constitution and
Government.

OF all the striking objects
presented to our view in
modern history, there is
none more worthy atten-
tion, than the excellent constitution

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enjoyed in this kingdom. A Constitution, which has been admired and extolled, not only by those who partake of the benefits and advantages flowing from it, but also by writers of other countries, who one would expect should rather be prejudiced against it.

And yet, notwithstanding this excellence so generally and so justly allowed, many, in their defence of the English Constitution, have been unwilling to rest it on its own most admirable and solid foundation, namely, the fitness and utility of it; and considering this obvious argument as insufficient, have imagined themselves under a necessity of supporting it merely by precedents, and the authority

rity of ancient custom. One would suppose they thought it was to be defended on no other principles, than those of its having been established in nearly the same form wherein it now exists, for ages immemorial. A fact which some have with great labour and difficulty endeavoured to render probable; but of which there is much reason to suspect the truth.

We may therefore venture to depart from their opinion: and perhaps shall not err, if we look upon the chief use arising from an enquiry into the nature of our ancient constitution to be, that it discovers what improvements have been made, and learns us to value and esteem them.

When I say this, however, I mean not to reflect on times past; as if a tolerable form of government never prevailed 'till these our days: nor to insinuate that the present constitution is so totally different from what was heretofore established, as to be quite void of any support from precedent and prescription. I am persuaded, on the contrary, that the ancient constitution during different periods was *such* as we may reasonably suppose to have been most fit and expedient for the Nation at those times; and also *such*, that it is an easy matter to shew how the present form of government regularly, lawfully, and even necessarily, arose from it.

And

And all I intend by what I advance, is, to make it appear, that the excellence of any particular form of government, and especially of ours, is founded solely in the fitness of its mode and complexion to the manners, disposition, abilities, and general state of the people over whom it prevails; that of course, in order to have it constantly a good one, and well adapted at different periods of time, * it must have varied as those circumstances have changed; and, therefore, that these

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are

* Thus with regard to the progress of jurisdiction, Dalrymple in his Essay on Feudal Property, observes p. 277, *that it seems an invariable truth in the political world, that Society shall not remain long in the same state.*

are the only principles on which it is to be defended.

I cannot but think, that the only proper enquiry concerning this or any other constitution is, whether an alteration would not render it unsuitable to those who are to be governed by it, considering their dispositions, manners, and state in general? and whether it may not be the best that *such* a people are *capable* of enjoying; tho' it may possibly be found to have many defects when viewed abstractedly, and when the only consideration is what mode of government is best among a people supposed to be well civilized.

The producing one Instance will soon fully illustrate my meaning,
and

and it shall be that of the Russians.
 —No one surely will imagine, that
They, in the time of the Czar Peter,
 could possibly have lived peaceably
 and happily under such a free con-
 stitution as ours is. Their savage
 manners, their unrestrained passions,
 and their ignorance of many social
 duties, would inevitably have led
 them to the abuse of it, by the com-
 mission of all kinds of disorders: and
 the slow, regular, and mild manner in
 which the laws are here administer-
 ed, would have had no effect on
 their rough and untoward dispositions.
 Before they can reap the benefit of
 such a constitution, they must be so
 far civilized and polished, as to be
capable of being governed by it.

And, to explain myself more fully, I must acknowledge, that I not only suppose this fitness of any government to the manners and dispositions of the governed, to be the properest means of judging concerning it; but am also inclined to think, that the various forms which have actually prevailed in different nations, and in the same nations at different times, have, for the most part, been so far from being bad and extravagant (as we are too apt at first sight to judge many of them to have been) that they were, on the contrary, almost all very fit and proper, considering the countries and times wherein they prevailed; followed naturally from the state of things which
then

then subsisted; and improved by degrees, as those amongst whom they took place became more civilized, and wiser, and fit for such improvements.

In short, I am persuaded, that there is an *inseparable* connection between moral and civil improvements; that liberty always attends, in some degree, learning, industry, and commerce: and slavery, on the contrary, ignorance and indolence. And that, for the most part, the improvements of the mind, and the introduction of arts, lead the way to liberty; tho' they are in return foster'd, and often promoted by it,

I cannot help thinking, but that it is to the particular state in which
men

men are found, that the establishments of particular forms of government are owing, and that such alone will take place, for any continuance, as are adapted thereto. It is true indeed, that most changes have been effected by violence; but then, they have been of very short continuance, unless they were suited to the manners and dispositions of the people. And of this we have a strong proof, in the noble attempts made by *Zisca* and his followers in Bohemia, which (tho' they had almost entirely completed their work) produced no lasting effects; the Bohemians not being at that time sufficiently improved or cultivated, to reap the benefit of the advantages proposed to them

them by those public-spirited reformers.*

A number of little Clan-ships, under so many different leaders, is perhaps the only form of government that can take place amongst savages ; who have no other means of defence from injuries than association. An Aristocratical government seems naturally to follow, when many of these clans are for mutual convenience united. A Despotic Government, is possibly the only one that can preserve in one large body a nation just formed by conquest, of various people, who are uncivilized, ignorant, and indolent ; and of consequence naturally of restless and turbulent

* Gilpin's Life of Zisca.

turbulent dispositions, and, for want of employment, abounding with dangerous leisure. And a Government in which there is any considerable degree of freedom, can most probably be enjoyed by those *only* who have learnt to regulate their conduct by other principles than the fear of an impending scourge, and who, having been taught to employ their time usefully, in the cultivation of arts and sciences, will not be disposed to abuse those means, which liberty gives them, of causing disturbances.

I trust I do not mistake the effect for the cause, when I conclude, that an improvement in the manners and understandings of any people, (whether it be by means
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of trade, and an increase of *national* wealth, or any other way) is the cause, and perhaps the *only* cause of any improvement in their constitution. * For though it be true that liberty has always made science and virtue to flourish ; it is also true, and appears from many examples in history, that liberty itself has owed its origin to the dawning of those improvements of the human mind, and to their having taken place, in some degree, before-hand : and that a degeneracy in any form of government, has generally been preceded by a degeneracy of manners.

The

* An objection may perhaps here offer itself, arising from the state of the French, and other different Nations in Europe ; but this I have endeavoured to answer in the latter part of the Essay.

The Grecians began to make improvements in science, and to be eminent for virtue, and then established their freedom: and, in return, that freedom caused virtue and science still more to flourish.—

The Romans were at first governed by despotic Kings, or at least by such as had far the greatest part of the supreme power in the state; but becoming more civilized, and more virtuous, they shook off the yoke, and by degrees became more free: and the liberty they enjoyed, caused science and virtue to rise to the highest pitch amongst them.

The Grecians, by the abuse of their liberty, became vicious; lost almost every generous principle; and then

sunk

sunk into the most abject slavery. And the Romans, by their conquests introduced luxury, effeminacy, and all kind of intemperance; and were no longer free.

A people must first become fit for an improvement in their constitution, before it can take place amongst them: and must continue so, in order to maintain it. They must first be wise and virtuous, before they can be free and happy.

But to return, and to apply the principles I set out with to the English Constitution in its various periods. I cannot but suspect, that different as it has appeared at different æras, it has almost always been such
as

as, upon the whole, was fittest at the time. And on that account I look on every form under which it has existed, as venerable, and worthy to be commended; tho' I cannot consider its mode in past ages as intrinsically excellent; nor think that the form it *then* wore was any longer fit to be continued, when once the corresponding circumstances, to which alone that form owed its merit, ceased to exist. As to the present constitution of this kingdom, I look upon it to be widely different, in many respects, from that which existed here in past ages; and to receive authority from the latter, only as having *naturally* proceeded from that prior constitution. Its excellence arises from the same circumstances

circumstances that rendered the preceding forms of government estimable in their time; namely an agreement with the manners and dispositions of those who are governed, and with the circumstances of these times. This is the foundation on which it is built, and on this account, above all others, it is to be admired and adhered to. The resemblance between the present constitution and that from which it originally sprung, is not much nearer (if I may be allowed the comparison) than that between the most beautiful fly and the abject worm from which it arose.

I have already observed, that little distinct, independant clanships are

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the only form of government natural and fit for savages in their woods. But, when for mutual security against others, or in order to attempt invasions, several of these clans unite, then a form partly monarchical, and partly aristocratical, in which the King * is little more than general of the whole body, and in which the heads of the several clans still continue powerful, and almost independant, necessarily follows from the undertaking itself. And such a form of government as this, when these

*With all the Ensigns of Royalty, and with many appearances of despotic power, a Feudal King was the most limited of all Princes, says Robertson in his History of Scotland, Vol. I. p. 12.

these people have once made a settlement, and gained new territories, soon becomes, of course, in the highest degree aristocratical; the people being under the power of a number of petty tyrants.

A Constitution of this kind took place, in a greater or less degree, amongst all those barbarous nations who made settlements in the western parts of Europe, * and in this our country in particular. It subsisted amongst the Franks, when

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they

* Thus Henault informs us, that in early times the kingdom of France was governed as a great Fief; and that the great Lords had the Supreme power in their respective Provinces. Vol. 1. p. 889 and p. 890.

they settled in France; amongst the Saxons, when they made themselves masters of Britain; and among the Normans, when they conquered the Saxons. It was *that*, to which they were naturally led by the circumstances wherein they were placed; and was very probably the only one that could be advantageous to a barbarous people, overrunning a foreign country, or that *they* could be induced to receive. I am inclined to think, that when we suppose our German Ancestors brought the excellent constitution established in these kingdoms originally from their woods, and that it was beforehand plan'd and formed there, we do them too much honour. They most probably lived

ed in those woods, like other barbarous people; and like the Gauls and Germans described by Cæsar, and Tacitus, in little independant states or clans; and thought of the feudal constitution, only when they had united to gain new settlements, and when necessity, and their peculiar situation, drove them to it. On which occasion, from the same circumstances, they were all, in different parts of Europe induced to adopt nearly the same System; * tho' afterwards they might mutually communicate the improvements made

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* This notion is confirmed by what Dalrymple says in his history of the Introduction of the Feudal System, p. 8. and indeed by the whole tenor of that excellent work.

in it to one another by various means.

That which necessity drives men to, generally answers the end proposed : and hence, this kind of constitution is found to have been well adapted to the situation of our ancestors. Were such a barbarous and uncivilized people to have partook of such privileges as we enjoy, they, being unrestrained by a due sense of a fit subordination, and naturally fond of war and violence, would soon have brought all things to anarchy and confusion. And on the other hand, had the King possessed as great power over his subjects as was given to the Crown in after ages, he would scarce have failed to have abused it, by the most cruel oppression

pression of all under him; whilst the nobles would have wanted, in consequence of the restraint laid upon them, the incitements necessary to induce them to undertake further conquests, or even to preserve what they had already, by their valour, acquired. Whereas, by means of such a form of government as the feudal, every thing most valuable to the People at that time was secured.

The great power and independence of the heads of the several clans, enabled them at once to curb the licentiousness of the commonalty their vassals, and to restrain the oppressive hand of their sovereign; whilst the former, considering them-

selves as closely connected with their Lords, imagined they enjoyed thro' them, and by means of *their* independance, as great a degree of liberty as they could wish for. And at the same time, the large revenues of the great men, served to feed and maintain the rest of the people their dependants, who for want of trade, and other means of subsistence, if they had really possessed freedom, must perhaps have starved in the enjoyment of it.

When Agriculture, the Arts, and Commerce, began to enrich men, and enabled them to provide subsistence for themselves, without depending on the tables of their superior Lords;
when

when settled notions of the duties •
of Society became habitual; and
a love of domestick pleasures, and
of employments by which they
could

* Such strange Ideas had people in early
times of the duties of morality, and of their
nature, that in France, Hegauld, not intend-
ing a certain oath should be observed, thought
he should prevent his subjects from being
guilty of perjury, by causing them to swear on
a shrine which had no relicks in it (Henault,
Vol. i. p. 142) And their notions in other re-
spects were equally absurd, and betrayed the
greatest degree of ignorance. The Question,
whether the right of representation should be
allowed in the direct line? was determined by
combat. And in order to discover which of two
liturgies was the best to be used, they were
both flung into the flames. Henault, Vol. i.
p. 78.

could peaceably and profitably fill up their time, succeeded to useless leisure, and a savage thirst for bloodshed, rapine, and violence; when this state of things was introduced, the people no longer wanted the support of the great Barons, nor were in danger of abusing a greater degree of liberty and independance. Now therefore was the time for a new form of government to appear; and accordingly such an one began by degrees to emerge.

The Lords, however, who had been accustomed to exercise an authority almost despotic, could not easily be induced to give up their pretensions. Settled habits, and deep-rooted power, are with difficulty removed.

moved. The only means of giving liberty to the people was, to give power to the King, and to enable him to curb the haughtiness and oppression of those Lords, who were now considered only as so many petty tyrants. A form of Government, therefore, wherein the King should be very nearly absolute, was the most expedient at that time to cherish the growing arts, and to nourish and keep alive the faint and feeble flames of science, that began to burst forth.

But as time destroyed the oppressive power of the nobles, and buried it in oblivion; so time also raised up a set of Men, even from amongst those of the common rank,

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riched by arts and comēce, and instructed by learning and reflection, to share in the Administration of government ; and to procure for their country greater advantages than could have been enjoyed before ; and such as were necessary for the further increase of trade, of agriculture, of science, and of national wealth and greatness.

Now then the exorbitant power of the crown, which had removed the former evil, and had itself degenerated into abuse, was in its turn to be restrained ; and to give place to what reason and the times required. Intolerable prerogatives were at length quite given up, or ceased to be exercised. That enormous

ormous, and almost despotic power, which had been raised for the common good, when it had answered the appointed end, and could be of no further service, but instead of that became detrimental, was laid aside: And the Supreme Authority was more equally divided amongst the three great bodies of the state, the King, Lords and Commons.||

From this time civil wars and feuds were almost quite laid aside; and the different branches of the legislature, notwithstanding the prevalence of various little parties and oppositions, (which perhaps will always

|| Ld. Coke warrants this division (1. Inst. 109, b.) But the Lords are again subdivided into two bodies, viz. Spiritual and Temporal, from whence Ld. Clarendon drew a very singular inference, see his Life, V. 1. p. 131, or fo. 67.

ways subsist in some degree) concurred in the wisest measures for the benefit of the whole, and advanced thereby each others greatness. Arts and science flourished, and the admirable constitution we now enjoy appeared in its highest perfection.

If by vice, luxury, and indolence we degenerate, we shall be no longer fit for so excellent a form of government; but according to the natural course of things must lose it, and descend to such an one as will be necessary to govern us in a degenerate state. And if there is any possibility of improvement in the constitution; virtue, science, and industry will lead us to it. But if we cease to cultivate these, we must

must fall back to slavery as well as ignorance : and no outcries for liberty, or popular clamours against ministerial infringements, can possibly save us.

Let us now, in order more fully to illustrate the principles I have advanced, take a more exact view of the state of this kingdom in different ages ; of the manners that then prevailed ; and of the different forms of government that accompanied them.

And here, as no part of our constitution seems to be derived from that which prevailed amongst the Britains, it may perhaps be beside the purpose to begin with them. I shall only, therefore, just mention, that

that they seem to have lived in a number of little petty states or clans, each of which had a King, or rather a commander in chief; and that they were almost entirely unacquainted with any science, or any art. Cæsar informs us, that a British town was nothing more than a thick impassable wood, fortified with a ditch and a bank. And as to science, if the Druids knew any thing that deserved that name, they concealed it so carefully from the rest of the people, that it tended very little to inform the nation in general.

These people were entirely driven out of England by the Saxons, and *those* northern Warriors were the

the persons who formed the embryo of our constitution. In their times, the people were ignorant, without trade to support them, fierce, uncivilized, and licentious in the highest degree: and we find that in those times the power of the Lords was great, and that of the Kings but insignificant. The great Thanes fed, supported, and ruled with an iron rod their respective vassals; whilst the King of each division of the Heptarchy, was little more than the first Lord, and their general in war.

In the time of Alfred, we find even the clergy were so exceedingly ignorant, that few of them could

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* interpret the Latin service, which they repeated every day; and for many ages afterwards, none but the Clergy were, by our very laws, supposed to be able to read. ‡ — No cloth was made in England; nor was there hardly any kind of manufacture carried on. Very little land was cultivated: and Commerce was almost unknown. A Merchant who had made three long sea voyages, and an husbandman

* This is mentioned by Hume p. 67. and I think also by Rapin; and Henault informs us in his *Abregé de l'histoire de France* p. 132. Vol. 1. that about the same time in Europe, in general, Kings, Princes, and Lords were unable to read.

‡ Wood's Institute, p. 400.

man who had purchased five hides || of land, were by a law of Athelstan's * raised even to be Thanes, (or Lords) in order, if possible, to encourage those pursuits. But it was to very little purpose.

The Saxons were accustomed at all their public assemblies to appear in armour. § And so great licentiousness, and want of decency and order prevailed amongst them, that

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|| Lord Coke informs us, that an Hide, or Plough-land, was not of any certain content, but as much as one plough could in the course of husbandry plough in one year, and it was of the yearly value of five Nobles, or 1*£*. 13*s*. 4*d*. 1 Inst. folio 69, &c.

* Hume's History, Vol. 1. p. 149.

§ Smollet, Vol. p. 157.

one of their Kings, ‡ Edmund, having banished a robber, the criminal had the audacity to appear in a publick hall at dinner with him, and when the King endeavoured to seize him with his own hand, he resisted, and slew him. *

Such

‡ Hume's History, Vol. 1. p. 75.

* The same barbarous manners prevailed in early times in other Countries. Vertot observes of the Swedes (p. 13 and 16) that they were rather fierce and indocile than free; and that Laws were unknown amongst them, because there was not power sufficient to put them in execution. When they were displeased with their Kings (he says) they destroyed them; and (Vol. 2. p. 278.) that they burnt Ortan and all his family, for laying a tax upon them; disliked Regner, a just
and

Such also was the cruelty, and such were the savage manners that prevailed even amongst their princes and great men, that, not long before Alfred's time, ‡ Kenulph, King of Mercia, taking Egbert King of Kent prisoner, cut off his hands, and put out both his eyes: and, after Alfred's time, Ethelrød, enraged at the perfidy of Alfric, Duke of Mercia, seized on his son Alfgar,|| and ordered his eyes to be put out.

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and moderate prince (p. 262) because he did not ravage the Lands of his neighbours; and set Raguald on the throne, because he was a large and strong man, p. 292.

‡ Hume's History, Vol. I. p. 35.

|| Hume, Vol. I. p. 93.

The manners of the common people cannot, in such times, be supposed to be much more humane or civilized. And we may judge what notions they had of decency, and how rough and unpolished they were, from a passage in an old English historian, § who mentioned it as an intolerable instance of luxury in the Danes, that they combed their hair once a day, and bathed once a week. The possession of property was very precarious and uncertain; men looked upon themselves as enjoying their Estates only at the will of their Lords, or at * most for life :
and

§ Quoted by Mr. Hume, Vol. I. p. 99.

* Dalrymple, p. 44. p. 335.

and even with regard to their moveables, † if any one died intestate, the King or Lord of course seized them ; which evil was afterwards particularly guarded against by one of the Articles of Magna Charta.||

Fines were the only punishment for murder, and were greater or less, according to the different rank of the person killed. § The same kind of punishment was also inflicted for adultery, with this odd penalty annexed by a law of Ethelbert's, * that the adulterer should buy the person injured another wife. And if

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† Hume, Vol. I. p. 224.

|| 9 H. III C. 18.

§ Hume, Vol. I. p. 150.

* Hume, Vol. I. p. 157.

we may judge from the manner in which these kind of fines operated in Ireland, (where the like custom prevailed * many ages longer than in this Kingdom) we may easily suppose, that murder was by no means considered as being so heinous and detestable a crime as it ought always to be esteemed. I think it was so late as the time of James 1st, that the Lieutenant of Ireland sending a Magistrate to put the laws in execution, in one of the newly conquered provinces, the chief man of the Province desired to know his Eric or Price, (the fine for murdering him) expecting soon to pay it.

* Hume, Vol. 5. p. 43.

it. I cannot forbear observing also in this place, that in the time of Edward 1st, and even down to that of Elizabeth, Assassinations were in Scotland by no means detested, as they ought always to be by all mankind: *Bruce's assassination of Cummins, which was attended with circumstances justly to be condemned, and very horrible, was regarded as an effect of manly valour and policy; and the family of Kirkpatric took from that action, for their Crest, an hand with a bloody dagger, and this Motto, *I will secure him.* And even Knox, || one of the first reformers, and,

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* Hume, Vol. 2. p. 120.

|| See Robertson's History of Scotland, Vol. I. p. 315. who also justly observes p. 313. that the

a very pious man, was so infected with the manners and ideas of the times, that he mentions the murders of Cardinal Beaton and of the Duke of Guise with the utmost exultation. ‡

'Tis true Alfred† compiled a body of laws; divided the country into tithings, for the more speedy execution of justice; established trials by juries; (the strongest security of our liberties); and laid firm foundations for our present constitution. But these wise and excellent institutions operated slowly; and the people

the History of Europe, during the 14th and 15th Centuries, abounds with detestable instances of assassinations.

† Hume, Vol. I. p. 66.

‡ Robertson's History of Scotland, V. I. p. 315.

people were first to be civilized, before they could reap the benefit of them. Alfred himself also enjoyed a great degree of power: but how inconsiderable most of his predecessors, and also his successors were, even 'till the time of the Confessor, is well known. Their power over the lords was but small; and at last one of that body, Earl Goodwin, became greater than his Sovereign; was repressed with difficulty; and, notwithstanding his punishment, left such power to his son, as enabled him, on the death of Edward the Confessor, to mount the throne.

At the Conquest an alteration was made in the Constitution, by
William's

William's introducing a more perfect model of the feudal law ; and by his* ordering, the better to supply his occasions of men and money, that those who enjoyed any fruits of his conquest, should hold their lands, proportionably, by so many knights fees, and be allowed to enfeoff their followers: which custom gave rise to two phrases mentioned in our old records, namely, *De veteri feoffamento*, and *De novo feoffamento*; the first relating to such lands as were given and granted by Henry 1st, after the example of William the conqueror ; and the other to such as were granted after his

* Sir Robert Cotton's Antiquity and Dignity of Parliaments. Harleian Miscellany, Vol. II. p. 114.

his death, and since the begining of the reign of Henry, II.

I cannot however assent to the opinion of those, who look upon the feudal system as being entirely introduced by the Conqueror, and unknown here before: nor with them consider the conquest as occasioning a total change in the English constitution; since nothing is more evident from history, than that the retainers and dependants of the Saxon Thanes, or Lords, stood in just the same situation with respect to them, as the vassals afterwards did to the Norman Barons, tho' called by another name. The Saxon Ceorles ‡ cultivated

‡ I do not mean to make an accurate distinction between the Ceorles and Theoden, I only

cultivated the farms of the nobility, were obliged to attend them in war, were removeable at pleasure, and attended at the lesser Wittenagemots, just as the Vassals afterwards did at the Court Barons. Where then was the great difference? or how can we imagine the *spirit* of the feudal system, or even the very thing itself, to have been unknown in England before the time of the conquest? As to the constitution being totally changed; if that was the case, how came trials by juries, County Courts, and

only mean to speak of the Saxon commonalty in general; and the circumstances here mentioned may be collected from the account given of the Saxon times by Rapin, Milton, and other writers. It would be too tedious to cite the particular passages.

and all the most material parts of the Saxon government, to remain unaltered even to this day?

But to return: The Commonalty still continued in a state of great dependance on their Lords; only with this difference, that the power of the Nobles began to be somewhat restrained, and that the Kings, by means of their foreign dominions, and of the lands that had been forfeited to the Conqueror, were enabled to maintain greater authority, and to grasp at an higher degree of power.

Yet what the Ideas of the nation with regard to the power of their King were, we may easily infer from
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what Bracton says of the league between Lord and Tenant; since the great nobility thought, without doubt, that they had at least the same privileges with respect to the King, of whom they held in chief, as their tenants had with respect to them. So firm and strong (say † Bracton and Britton) was the League between Lord and tenant, in consequence of fealty, by the laws of England, that,

“ *Nil facere potest tenens propter obligationem homagii, quod vertatur domino ad exheredationem, vel etiam aliam atrocem injuriam. Nec dominus tenenti e converso; quod si fecerit, dissolvitur et extinguatur homagium omnino,*

† Bracton folio 80, Britton folio 174. Cited by Ld. Coke, 1 Inst. folio 65. &c.

“ *omnino, et homagii connexio et obliga-*
 “ *tio; et erit inde justum judicium, cum*
 “ *venerit contra homagium et fidelitat-*
 “ *is sacramentum, quod in eo quo de-*
 “ *linquunt puniantur; scilicet in per-*
 “ *sona domini, quod amittat domini-*
 “ *um, et in persona tenentis, quod*
 “ *amittat tenementum.*” i. e. The
 “ Tenant, in consequence of the
 “ bond of homage, may do nothing
 “ that may tend to the disinheriting
 “ his Lord, nor that may be any
 “ other ways grievously injurious to
 “ him. Neither can the Lord, on
 “ the other hand, do any such thing
 “ to the tenant: if he does, the ho-
 “ mage is entirely dissolved and ex-
 “ tinguished, and all connexion and
 “ obligation arising from thence;
 “ and the judgment will be just,
 E “ when

“ when an offence shall have been
 “ committed contrary to homage and
 “ the oath of fealty, that each party
 “ should be punished according to his
 “ offence ; that is to say, with regard
 “ to the lord, that he should lose his
 “ dominion and power ; and with
 “ regard to the tenant, that he should
 “ lose his tenement and estate.” And
 to this may be added what Glanvil
 (who wrote before, in the time of
 Henry 2d) ‡ says † “ *Mutua debet*
 “ *esse domini et fidelitatis connexio, ita*
 “ *quod quantum debet domino ex ho-*
 “ *magio, tantum illi debet dominus*
 “ *ex dominio, præter solam reverenti-*
 “ *am.*” i. e. The connexion (or ob-
 ligation)

‡ Bracton and Britton wrote in the reigns
 of Henry 3d, and Edward 1st.

† Glanvil L. 9, C. 4.

“ ligation) of the Lord and of allegi-
 “ ance (or of the tenant bound to him
 “ by allegiance) ought to be mutual,
 “ infomuch, that whatever is due to
 “ the Lord from his tenant, in con-
 “ sequence of homage, so much is
 “ due also to the tenant from the
 “ lord in consequence of his dominion;
 “ except only reverence (or honour).
 And again ; Between the Sovereign
 and the Subject, there is (says he)
 “ *Duplex et reciprocum ligamen ; quia*
 “ *sicut subditus regi tenetur ad obedien-*
 “ *tiam, ita rex subdito tenetur ad protec-*
 “ *tionem : merito igitur ligeantia di-*
 “ *citur a ligando, quia continet in se*
 “ *duplex ligamen.*” i. e. Between the
 “ Sovereign and the Subject there is a
 “ double and reciprocal obligation ;
 “ because as the subject is bound to

“ obey the king, so the king is
 “ bound to protect the subject : li-
 “ geance therefore has deservedly its
 “ name (a ligando) from binding, in-
 “ asmuch as it contains or compre-
 “ hends a double bond. Notwith-
 standing therefore the power usurped
 by the Norman princes, the great
 authority of the Nobles, and the
 low estate of the people, there is
 little reason to think that non-resist-
 ence, and a quiet submission to ar-
 bitrary power, was ever originally
 considered as a duty in this king-
 dom, even at the time when one
 of our greatest Princes reigned ;
 or when Magna Charta was
 confirmed, which has been look’d
 upon by some writers as a mere
 concession from the Crown : but
 this

this by the byz—I have annexed the original words of the passages here quoted, and the reader will be able to correct my translations, if he thinks them too lax.

And now, to go on with the consideration of the Manners of the people. They were but little improved 'till the time of Edward 4th, as appears from a great variety of instances. During the reign of Henry II. † licentious confederacies, for breaking open houses, were frequently formed by young people of respectable families.—And the Jews were so cruelly oppressed, even by publick Authority, that † five hundred of them retiring into the

E 3

Castle

† Hume, Vol. I. p. 327.

† Hume, Vol. I. p. 333.

Castle of York, and being there besieged, were reduced to such extremity, that in despair they murdered their wives, threw the dead bodies over the walls, and setting fire to the houses, perished in the flames.—A vast association of ruffians was formed and headed by one * Longbeard, and so far were the people from having any sense of his guilt, that, when he was at last executed for his crimes, they stole his gibbet, and preserved pieces of it as so many relicks; probably because he had given them liberally of his plunder.

And ‡ Comines informs us, that these also were the prevailing manners

‡ Comines (Translation into English, in 2 Volumes) p. 493, Vol. I.

* Hume, Vol. I. p. 355.

ners abroad; and that many private gentlemen, in Germany, were only so many robbers, who were seldom punished by the German princes, but on the contrary encouraged, and employed by them on all occasions.

So little regard was had even ~~for~~ for the characters then esteemed most sacred, that the two † Cardinals sent by the Pope, in Edward II's. time, to mediate a peace between England and Scotland, were robbed on their way, by Sir Peter Middleton and Sir Walter Selby. —And Sir Gilbert Denvil and others, to the number of two hundred

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† Lord Falkland's Life of Edward 2d, Harleian Miscellany, Vol. I. p. 71.

dred, pretending to be outlaws, committed notorious insolencies and robberies up and down the country.

In the time of Edward 3d, gangs of robbers were become so powerful, and numerous, || as to require the Kings presence with an army to disperse them. And it is well known, † that the adventurers, who had followed the Black Prince in his wars in France, afterwards formed bodies of Banditti, and were headed by gentlemen of rank and fortune, both English and Gascons.

So exceeding rough and unpolished were mens manners, that
they

|| Hume, Vol. 2. p. 162.

† Hume, Vol. 2. p. 224.

they had no regard to any rules of propriety or delicacy, even in one of the most delicate affairs of life. In Marriage, the convenience and advantage of the Lord in the disposal of his ward, was the principal, and indeed the only consideration; and the inclinations or dispositions of the young pair were not at all consulted. *The fair sex* (says Dalrymple †) *were reduced to a state of insignificance, which destroyed their value, and even their agreeableness in society, and rendered them almost incapable to form a choice at all;—the woman offered by the Lord to his Vassal, was not ashamed to wait whole days in the church, till the reluctant lover had conquered his repugnance*

† History of Feudal Property, p. 46.

repugnance or compounded for it. Instead of that agreeable intercourse and society between the two sexes, which polishes and refines mens manners wherever it takes place, the ladies were treated as if they were fit only to be worshipped for their beauty rather than conversed with, or else to be totally neglected; and were considered as having no other recommendation than their persons, and nothing valuable in them except their virtue. And all the gallantry and politeness of the age consisted in the Cavaliers fighting stoutly on every occasion, to maintain that their respective mistresses were possessed in the highest degree
of

of both these qualifications.—An odd way of proving that they had either.†

These few instances are sufficient to give us an idea of the continued licentiousness and barbarity of the times : and as to the civil improvements that were made, much cannot be expected. Arts and Manufactures were still almost unknown. * Wool-
len

†The King of Prussia has given us a whimsical account of the early times in Prussia. He tells us, in *The Memoirs of the House of Brandenburg*, (p.220.) that when Joachim II. was married to Sophia, daughter of the King of Poland, he lay the first night with his young wife armed cap a pee. He also relates (p.221.) a story of an elector of Brandenburg, who exhibited magnificent fire-works at the rejoicings for the birth of his son, and before they began, called out of a little dormer window to the engineer, *John set fire as soon as I have whistled.*—And he tells us (p. 231.) that before the time of Fredrick William, the Courtiers were obliged to go in stilts to Potsdam.

* Hume, Vol. 2. p. 45.

len cloaths were worn white, because the English had not the skill to dye them. And so little was agriculture improved, that no inland commerce of corn † was opened, till the time of Henry VI.

In short, mens ideas were wholly military ; they attended to nothing but war ; and as Mr. Hume has observed, whilst that was the *sole* object of their regard, they were unable to make any improvements of consequence, even in the manner of fighting.—So imperfect were the arms used for a long time, that engagements were either not at all decisive, or else turned to downright slaughter.—In a very severe fight in France, between* nine hundred horsemen

† Hume, Vol. 2. p. 384.

* Hume, Vol. 1. p. 239.

men of the English and as many of the French, about the time of Henry I. there were only three persons slain. And in the reign of Henry III. ‡ when Lincoln was taken by storm by the Earl of Pembroke, only the Count de Perch and two persons more were killed in the attack. In the famous battle of § Cressy, fought by Edward III. twelve hundred knights, fourteen hundred gentlemen, four thousand men at arms, and thirty thousand of inferior rank, were killed on the French side; and only one esquire, three knights, and a very few of inferior rank
on

‡ Hume, Vol. 2. p. 6.

§ Hume, Vol. 2. p. 199.

on that of the English. — And when the Black Prince fought Henry, King of Castile, the latter was chased off the field with the loss of || twenty thousand men, whereas there fell only forty private men, and four knights, on the English side.

Whilst the manners of the people were of the stamp just described, and their improvements so few, the Barons grew so numerous, that even in the time of Henry III.† there were eleven hundred and fifteen castles in England, the places of their residence, where

|| Hume, Vol. 2. p. 226.

† Hume, Vol. 2. p. 10.

where they lived surrounded by their vassals,* whom they fed and supported with the produce of their estates, and who had scarce any other means of subsistence.

And I must here observe, that the very nature of the revenue of the nobility introduced this state of things, and this vast hospitality; and occasioned its being continued so long a time afterwards. We have reason to believe

* It appears from Domesday Book, that in the time of the Conqueror, the whole Lands of England, exclusive of those of the Church, were possessed by only seven hundred immediate Vassals of the crown: under whom there were an infinite number of men of slavish condition, called Servi, Villani, Bordarii; and a very few soccage tenants, of poor and trifling possessions. Dalrymple, p. 326.

believe, that the tenants who held of these Lords, did for the most part pay their rent either in kind, or else by labouring on the land of their superiors : and these great men could not well get rid of the vast quantity of corn and provision, which they by these means amassed, but by maintaining great hospitality in order to consume it.† In an age when commerce was so little known, they could find but few means of bartering it away, or of disposing of it otherwise.—This was most obvious and easy, and this method

† The Barons as well as the people, says Mr. Hume, Vol. 2. p. 154. were obliged to kill and salt their oxen and sheep at the beginning of the winter, before they became lean on the commons and pastures.

method therefore they pursued; thereby at once increasing their power, and displaying their wealth.

Let us now see what sort of constitution these people lived under, and how it was gradually improved. The Barons, in consequence of their possessions and independence, could not but maintain their right of being considered as a part of the legislature; and, according to the old feudal system, under which they originally claimed their estates, they were by law to be considered in that light. Yet there was such a disproportion introduced by time in the degree of their power, and in the value of their Estates, (§ especially by the liberty
F that

§ Hurd's Dialogues, p. 210.

that had been given them in the time of Henry II. of alienating their possessions, on account of the debts they had contracted by the Crusades ||) that it was no longer fit, or possible

|| We are apt to be much astonished at the migrations of the Northern Nations; and to wonder whence it was that they produced such numbers of people, attributing those vast swarms of the Northern hives (as Sir William Temple calls them) to the greater fecundity of the inhabitants at those times than at present. But might not the Eastern Nations be equally astonished at the multitude of Europeans that the Crusades poured in upon them? and might not the eruptions of the northern nations have been owing to some popular and prevailing prejudices, (such as a thirst for conquest and laying waste,) rather than to the countries being overstocked with inhabitants?

possible, for them to be all upon an equal footing. Some were very great and powerful lords, possessing whole counties and vast territories, and having even several of the rest feudataries to them, whilst others were very inconsiderable barons indeed.

—There were now therefore greater and lesser barons; and the latter being exceedingly numerous, it was found both decent, and convenient, for them to appear in the great assemblies of the people (in the time

F 2 of

tants? as the croisades were certainly owing to a prevailing superstition, and not to any want that the Europeans had of new settlements:—We learn from Cæsar, that some of the northern nations of Germany esteemed it their highest glory, to have the country for a vast extent all round about them laid waste. Cæsars Commentaries, p. 133.

of Henry III.) * *only* by representatives, whilst the others appeared every man in person. But of this more by and by.

The Norman Princes, I before observed, were powerful in consequence of their foreign dominions; and, as is too frequently the case, they abused that power, and began to oppress their subjects. The barons therefore, jealous of their ancient privileges, endeavoured to restrain their sovereign, by demanding in arms a solemn acknowledgement of their rights; adding also new laws in favour of liberty, which now first appeared, being fought for by the
lesser

* Hume, Vol. 2. p. 88.

leffer barons, who were weak and feeble enough to feel the inconveniences arising from the want of it, and numerous enough to demand it. and these laws, which favoured the leffer barons as holding of their superior lords, or of the crown, could not but also be extended to their vassals, ~~in some degree~~ who held in like manner of them.

Here therefore liberty began to dawn ; *because* a numerous body of men, the leffer barons, were become in some degree *capable* of enjoying it.—Now also, the *intercourse with foreigners,

* So little intercourse was there formerly in Europe, even amongst people of the same Country, that in France an Abbot of Cluni excused

foreigners, occasioned by the foreign dominions which the Norman Princes possessed, began to polish and refine men's manners, to increase knowledge, and to introduce arts and manufactures ; and things soon after assumed a different aspect.

Henry II. had begun to introduce a second time, in imitation of Alfred, a regular kind of civil government : He appointed † assizes and itinerant

excused himself from going as far as St. Maur des fosses (only a few miles) on account of the danger of travelling so far through a strange Country. Henault's Abridgement, Vol. I. p. 134.

† Rapin, Vol. 3. p. 73. Dalrymple, p. 284. Hales's History of the Common Law, p. 140.

nerant judges, for the better administration of justice; and by their means endeavoured to controul and lessen the private jurisdiction of the great barons. And Edward I. much forwarded the work, by confirming again Magna Charta; and by regulating the Courts of judicature; in order to do which the more effectually, § he compleated the division of the Exchequer into four distinct Courts. William the Conqueror, to keep the provincial jurisdictions of the Barons in awe, had established a Court in his own palace, called * Aula Regis, which had a power of executing all the business that is at present divided amongst the four Courts, of
Chancery

§ Hume, Vol. 2. p. 122.

* Dalrymple, p. 284.

Chancery, Kings Bench, Common Pleas, and Exchequer. Complaints against inferior judges, and appeals from the Lords Courts, were received in it: but, notwithstanding, for a long time almost all suits were determined in the latter. Henry II. (who established Circuits, and sent itinerant Judges on them, ‡ to lessen the power of the private jurisdictions,) first separated from this Supreme Court the Kings Bench, and the Common Pleas, which then drew to them many suits even in the first instance: and Edward I. completed the division, ascertain-
ing

‡ Thus in France, in order to lessen the power of the great Lords, the Kings invented first the *Missi Dominici*, and afterwards *Royal Cases* and *Appeals*. Henault, Vol. 2. p. 892.

ing the boundaries of the Exchequer. Yet so imperfect were the ideas of justice and Law in those days, that he sometimes sat in his Courts himself as judge. ‡ And there are many instances upon record, of considerable sums being paid for the obtaining equitable decisions. ||

Ed. I. † also established some office resembling that of justice of the peace

‡ Montesquieu has shown how inconsistent it is with any degree of freedom in a Monarchy for the King himself to sit as judge. Spirit of Laws, Vol 1. p. 84.

|| Hume Vol. 1. p. 417. see also the passages in Madox's Hist. of the Exchequer cited by him.

† Hume, Vol. 2. p. 122. Dalrymple, p. 286.

peace; * and in order to lessen still more the jurisdiction and power of the nobility. || endeavoured to throw the whole authority in the respective counties into the hands of the Sheriffs, § who were vicegerents of the Earls, but were named by the King, and removeable at pleasure. * He moreover enacted some excellent

* Lord Coke, indeed, informs us, in the preface to his third Report, that the office now so called was not established till the first year of Edward III. but almost all historians mention one very much like it in the time of Edward I.

|| Hume, Vol. 2. p. 87.

§ The office of Sheriff was not, as some historians relate, introduced by William the Conqueror; but *that*, or one exactly similar to it, was established by the Saxons long before the conquest, as Lord Coke observes in the preface to his third Report.

* Hume, Vol. 2. p. 122.

excellent laws which encouraged trade, || by giving merchants an easy way of recovering their debts. He abstained from the practice of interrupting justice by mandates from the privy council. And the excellent, and well known Statute, *Quia Emptores*, ‡ passed in his reign, † made even feudal land the subject of commerce.

In

|| The Statute of Acton-Burnel: and also the Statute of Merchants, 13. Edward I. Stat. 3. See also 13 Edward I. Stat. 1. c. 18. which rendered suits for the recovery of any kind of debts more efficacious.

‡ 18 Ed. I. St. 1. By this Statute it was appointed, that the feoffee should hold his land of the chief Lord, and not of the feoffor i. e. *that the purchaser should be to all intents and purposes in the same situation as the seller was.*

† Dalrymple, p. 105.

In consequence of these regulations the people became more civilized, and commerce having been introduced by the establishment * of the merchants of the steelyard, in the reign of Henry III. though for a time it was carried on only by foreigners, occasioned a more frequent intercourse amongst men, and raised a spirit of industry; and thereby introduced other riches, besides what consisted merely in lands and their immediate produce.

Hence the former state of things soon became improper. The common people, before of no consequence

* Hume, Vol. 3. p. 334.

quence, and absolutely dependant on the great for support, had now acquired by their industry some small possessions of their own; and were able to contribute to the expences of the state. They therefore sought independence; and naturally demanded to be admitted to have votes in the great assemblies of the people. Borough Towns were formed and incorporated, as the seats of trade, in which alone it was carried on; and as it was unreasonable the inhabitants of them should give to the government any part of what was their own undoubted property, without their consent, they were permitted in the time of Edward I. to send representatives to Parliament. And how universal

niversal this idea of the cause of admitting different members of the community into parliament was, appears from Comines, † who lays it down as a maxim, that no Prince ought to raise taxes without the consent of his people.

Here then the foundation on which our Constitution is built was again enlarged; and *that* merely in consequence of a natural and almost unavoidable course of things, and because a different form became fit and proper.

And thus it appears, that in framing the several parts of our constitution, and in giving representatives to

† Comines, Vol. 1. p. 499.

to the Borough towns, there was an high degree of wisdom ; and good reasons for what was done. But the circumstances of things are now changed ; and the same good sense that prompted our ancestors to desire the Boroughs should be represented, may perhaps *now* justly make us wish, that such a representation did not exist. There is not a greater solecism in the world, than that common one, of continuing customs after the reasons for them are ceased.

In early times, the inhabitants of Borough Towns were the only supports of trade. They were a useful body of men, just emerged from slavery. And it was both beneficial,

neficial, and glorious to our Country, to give them some degree of weight and influence in the Great Assembly of the kingdom: tho' possibly the principal motive that induced those in power to make this alteration might be, only a desire to receive larger sums from their purses.

But whether it can *now* serve any good purpose, that a small and insignificant body of men, in a little Borough Town, who have hardly any interest either in the trade or property of the kingdom, should have nearly as great a degree of weight in the State, as some of the largest and richest Cities, and Counties, on whose prosperity our all depends? Whether this has not a tendency

a tendency in time to sap the very foundations of our liberties ; and to fling all the power into the hands of those few, who can bid most for it ? are questions of too high a nature, and of too great weight, for a private man to decide upon.

I must beg leave, however, in this place, to take notice of another wise and excellent institution of our ancestors, in which the changes and alterations produced by time, have almost defeated their good intentions ; and have very nearly caused the very evil to return again, which they designed to guard against.— From the time of Edward I. the lesser Barons (that is, all who possessed any kind of independant landed property)

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were

were appointed by law to choofe representatives in Parliament. But as the value of the property to be possessed by each voter was not ascertained, in a length of years, every man, who could pretend to have ever so little share in any possession of land, claimed this right ; till at last the idea of the origin of it was lost, and almost all persons indiscriminately became voters.—Hence ensued great tumults, riots, and other disorders at elections; and this caused an act to be passed in the time of Henry VI. to limit the qualifications of Electors.—The Preamble to this Act plainly points out the mischief intended to be remedied, and is as follows.—‡ *Whereas the elections of knights*

‡ 8 H. VI. c. 7.

knight of shires to come to the Parliaments of our lord the king, in many counties of the realm of England, have now of late been made by very great, outrageous, and excessive number of people dwelling within the same counties of the realm of England, of the which most part was of people of small substance, and of no value, whereof every of them pretended a voice equivalent, as to such elections to be made, with the most worthy knights and esquires dwelling within the same counties, whereby manslaughter, riots, batteries, and divisions among the gentlemen, and other people of the same counties, shall very likely rise and be, unless convenient and due remedy be provided in this behalf; our lord the King, considering the premisses, hath provided,

&c. &c. By this act the right of voting was limited to such persons as possessed forty shillings a year in land, within the County, free from all burthen. And Mr. Hume || has observed, “ thar this sum was equivalent to near twenty pounds a year of our present money ; and “ that it were to be wished the spirit, as well as the letter of the law, “ had been maintained.

If this were done, it would be better for the lower class of people ; who in reality reap little benefit from the privilege they now claim, and whose morals are greatly corrupted, and hurt, by the present mode of electioneering.

tionering. It would render the election of those, who are chosen to sit in that August Assembly, the English Parliament, more honourable: And would, most probably, be a greater means of preserving our national liberties. For the majority of voters would then really consist of those, who are too large and considerable a body to be easily bribed; and who would have some property to interest them in the real welfare of their country. Whereas a majority may now in many cases be obtained, by means of those who are often biassed by the most trifling considerations.

And now, having given this general idea of the alterations down to the time of Edward I. I should proceed to a more minute detail; but

first there are one or two things more, worthy to be remarked, in order to give a still more perfect idea of the state of the times.

I have said the Ideas of men in those days were wholly military, and how true that observation is, appears from many instances; ‡ but from none more than from a very odd expression of Philip de Comines, in the very beginning of his memoirs; which, unless we take into consideration

‡ The prevalence of this martial disposition for a long time was so great, that even the Clergy often appeared in the field in arms. So late as the time of Henry VIII. in the battle of Flodden-field, where James IV. was slain, there were killed one Archbishop, two Bishops, and four Abbots, on the Scots side. Lord Herbert's Life of Henry VIII, p. 18.

tion that circumstance, and the ancient customs of Europe, is almost unintelligible. The Passage is this. || *Au saillir de mon enfance, et EN L'AGE DE POUVOIR MONTER A CHEVAL, je fus amené a l'Isle, vers le Duc Charles de Bourgogne.* And if we translate it literally, 'tis sure a most strange and equivocal expression, very unworthy to be made use of by any good writer, and especially by a statesman and courtier.—*As soon as I was got above childhood, AND WAS OF A PROPER AGE TO MOUNT ON HORSEBACK, I was carried to Lisle to Charles Duke of Burgundy,* is the literal translation; but if we enquire what were the Customs and ruling ideas of the times, and endeavour thence to learn the meaning of

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the

|| Paris Edition, p. 2.

the Author, all will be plain and consistent. It is well known, that in consequence of the feudal law (which prevailed in almost all parts of Europe) the tenure by which most men of any rank held their land was personal service, which they were to perform under their Lords in war; that any one was incapable to have an estate in his possession 'till he was old enough to perform such service; and that, if a child's father died whilst he was yet an infant, the Lord took possession of the Estate till the child was of age, ‡ because it was reasonable he should either be served by the person to whom the estate belonged, or else have the estate

‡ Dalrymple, p. 45.

estate in his own hands to obtain that service from another of equal rank in life; and because he was more likely to have the child well trained up to war than any other person. * Hence the time of arriving at manhood

* To this purpose Fortescue C. 44. says (as quoted by Lord Coke, 1 Inst. folio 75. b.) Si hæreditas teneatur per servitium militare, tunc per leges infans ipse, et hæreditas ejus, &c. per dominum feodi illius custodientur, &c. Quis, putas, infantem talem in artibus bellicis, quas facere, ratione tenuræ suæ, ipse astringitur domino feodi sui, melius instruere poterit, aut velit, quam Dominus ille, cui ab eo servitium tale debetur, et qui majoris potentiæ et honoris estimatur, quam sunt alii amici propinqui tenentis sui? Ipse namque ut sibi ab eodem tenente melius serviatur diligentem curam adhibebit, et melius in his eum erudire expertus esse censetur quam reliqui amici juvenis.

hood, or of being of age, was naturally fixed at that, when a young man became capable to bear arms, and to serve in war; and Montequieu† informs us, that it accordingly changed when heavier armour was in process of time made use of, and when the service became more difficult. Before the time of Charlemagne, when light arms only were used, he says it was fixed at fifteen; but after that time, when fighting on horseback with heavy armour was introduced, it was altered to twenty one; because a person could hardly be supposed strong enough before that time to serve properly. As therefore these two things, the being

† Spirit of Laws, Vol. I. p. 316.

ing able to bear arms or to mount as a soldier on horseback, and the being of age, were so closely connected, it became customary to express the one by the other: and it is very probable, that even so late as the time of Philip de Comines, this form of speaking was in fashion, and that it might be much more becoming a soldier and courtier, to say, *when I was of age to mount*, than *When I was twenty one years of age*, which most probably is what we are to understand by this expression: it then is clear, and precisely fixes the time when he went into the Duke of Burgundy's service. Any other sense of this passage is almost unintelligible and absurd; for no one can say what is the age at which a
 boy

boy will first venture to get on horse-back.

But whilst men were thus wholly intent upon war, their improvements even in the military art were very few. I shall just give a short account of them; and, to avoid resuming the subject, shall go through with the whole at once.

The Pollax, § the Spear, ‡ and the Sword, were the chief weapons employed

§ Hume, Vol. I. p. 317.

‡ This also continued for a long time to be a weapon of great consequence. Robertson gives us a remarkable account of a Scottish Phalanx, in which a Pike, eighteen feet, six inches long, was made use of. History of Scotland, Vol. I. p. 104.

employed in battle 'till after the time of Henry II. even the bow not being then introduced into general use. And for a long time the breast-plate and helmet, with a very few other pieces of armour, were the only means of defence. But by degrees the horsemen or knights made their armour more and more heavy, 'till they became absolutely cased in iron, and capable of receiving many hard blows without being hurt, but not very fit to do much execution.* Comines informs us how difficult it was to kill them, even when they were fallen from their horses. But it was by no means the bulk of an army that had the advantage of being thus armed.

* Comines, Vol. 2. p. 292.

armed. When the use of the Bow was well established, || the archers, besides their bows and arrows, carried halberts, (such as the yeomen of the guard do at this day,) which they pitched on the ground 'till their arrows were shot, and then took them up again to do execution on the enemy, in closer fight: and * Comines informs us that they were esteemed the chief strength of an army. In this state things continued 'till the time of Henry VIII. except that cannon had been § introduced about

|| Lord Herbert of Cherbury's Life of Henry VIII. Kennet's History of England, Vol. 2. p. 9.

* Comines, Vol. 1. p. 31.

§ They were used; but there were none cast in England till 1535, and indeed most of

about the time of Edward III. They however were so ill served, that De Langey in his *Memoires* ‡ mentions it as a circumstance somewhat singular, that in a sea fight between the French and English in 1545, each of the numerous fleets, consisting the one of two hundred, and the other of about one hundred ships, fired in a two hours engagement full three hundred shot. Yet badly served as the cannon were, they were terrible to such unskilful opponents as undertook sieges in those days.

of the Cannon used at first were made of Iron Bars fastened together with Iron Rings, some of which still remain at Rosetto in Egypt. Pococke's Travels, Vol. 1. p. 15.

‡ Hume, Vol. 3. p. 268.

days. * The Liegeois, in the time of Lewis XIth. stood a siege ~~without~~ without gate, wall, or fortification, with one piece of cannon only. And even so late as the time of Henry IV. of France, ||Chizai was defended by one Culverin. And Sully informs us, that § five or six pieces of cannon struck a terror into all the towns; and that the battle of Coutras was gained by means of three pieces of cannon.‡ It is also worth while, tho' somewhat beside the purpose, to take notice of his account of the wretched

* Comines, Vol. 1. p. 202.

|| Sully's Memoirs, Vol. 1. p. 106.
French Edition.

§ Sully's Memoirs, Vol. 1. p. 107.

‡ Sully's Memoirs, Vol. 1. 122.

wretched † state of the militia in France in those days, as ours in early times* cannot be supposed to have been much better. The foot soldiers (says he) were forced into the service, made to march by blows, kept in duty by the utmost severity, and dismissed without their pay.—Caleevs, or great hand guns, were used before the time of Henry VIII. but they were found so cumbersome, and of so little service, that in his
H reign

† Sully's Memoirs, Vol. p. 2. 385.

* When I say this, I mean to speak of the times subsequent to those in which the strict feudal discipline took place, and prior to those in which a regular Militia was afterwards established.

reign it was thought fit || to revive and continue the use of the bow, and an act was accordingly passed to encourage archery. § Muskets, however, were soon after introduced; but even these were at first an awkward kind of weapon: for the soldiers who used them had each a very heavy gun to carry, a rest (or iron crutch) and a lighted match; and when the enemy was to be attacked, the Rest was to be fixed in the ground, the musket to be laid upon it, and the match to be applied, after which, if the

|| Ld. Herbert of Cherbury's Life of Henry VIII. p. 23.

§ Lord Herbert's Life of Henry VIII. p. 45.

the enemy were quick in their motions, the Musketeers fought to great disadvantage. † Pistols were first used by the French in 1544; and these weapons we had in a very imperfect state from that nation. The original invention of them they claim; but the honour of improving them, so as to be fit for use, is our due.—Lord Clarendon informs us * how badly the troops in general were armed in the time of the civil wars, and gives us an odd account of a remarkable heavy armed regiment, called the † Regiment of Lobsters.

H 2

As

† Lord Herbert's Life of Henry VIII, p. 249.

* History of the Rebellion, Vol. 3. p. 40.

† History of Rebellion, Vol. 3. p. 281.

As to the light arms now used, they did not appear 'till after the restoration; but at what particular time is uncertain. Voltaire tells us, that Martinet first introduced the use of Bayonets, about the time that Lewis XIV. invaded Holland. ||

I shall now proceed to examine the progressive state of our Constitution, and to make a short recapitulation of the changes in it that attended the changes in the manners and condition of the people.—To the great Barons, who originally formed the supreme council of the state, as commanding and representing all the rest of the people, (whom in truth they fed and supported,) were first added

|| Age of Lewis 14th, Vol. I. p. 128.

added the Knights of the shires, or the representatives of the lesser barons, who having become independant of the greater barons, had *therefore* separate interests.

After that, a third body of men also, having by their industry acquired a degree of independance, § their interests were in like manner se-

H 3

parated

§ *If we consider (says Mr. Hume, Vol. 2. p 443.) the ancient state of Europe, we shall find that far the greater part of the society were every where bereaved of their personal liberty. The first incident that broke in upon this violent system of Government, was the practise begun in France of erecting Communities, and Corporations, endowed with privileges, and a separate municipal government, which gave them protection against the tyrannny of the Barons.*

And

parated ; and of course it was necessary they should have distinct representatives. Distinct Representatives were therefore granted them, and Burgesſes (as I have before observed) were introduced into Parliament.

But let us enter into a more particular detail. Before the time of King John the great Council of the
nation

And hence perhaps we may account for the phrase generally used when a man is made partaker of the privileges of any of these Communities, (as they now remain amongst us in this Country even in these days,) namely, *That he takes up his freedom* ; as originally, by becoming a Member of such Community, he was freed from that dependance upon, and oppression of the great Lords, to which others, who were not of such Communities, were subject.

nation was formed of the great Barons alone, who were the only people independant. And the first material alteration was made in the ‡

H 4

17th

‡ There is mention^{ed} (in Sir Robert Cotton's Account of the Antiquity and Dignity of Parliaments, Harleian Miscellany, Vol. 2. p. 114.) A summons on Record of the 6th Year of K. John, from whence he infers that the Commons were then a part of the Parliament; but he seems to draw a wrong conclusion from the translation of the word *Communium*, which probably meant only the collective body of all the Barons and Freeman, whereas by the word *Baronium* were distinguished the chief among them. And he acknowledges in the same page, that it is in vain to seek for an House of Commons before K. John's time. His quotation is this, *Provisum est communi assensu Archiepiscoporum, Communium, Baronium, & omnium fidelium nostrorum Angliæ quod novem milites per Angliam inveniant de Communi re.*—Claus. 6 in Dorso.

17th year of his reign, when Magna Charta, the Bulwark of our liberties, was obtained ; and when in order to secure the privileges confirmed by it, the† Barons chose twenty five members of their body, as Conservators of the publick liberties, and ordered the freeholders or lesser barons of each County to choose twelve knights, who were to assemble in their respective counties, and to make report of such things as required redress. The next alteration was in the time of Henry III. when in the 42d year of his reign, * twenty four Barons being chosen

† Hume, Vol. 1. p. 390.

* Hume, Vol. 2. p. 28. Rapin, Vol. 3, p. 461. mentions this as the first Origin of the Knights of the Shires.

chosen to *reform* the state, the King swore to maintain their ordinances; and they appointed that four knights should be chosen from each county, and that they should personally attend at the next parliament; and that ‡ three sessions of parliament should regularly be held every year. But the last and most material alteration of those reigns was, when Edward I. required the lesser barons‡ regularly

‡ Hume, Vol. 2. p. 29.

‡ Most probably it was from the introduction of the representatives of the lesser Barons, who were considered not as nobility, but as the gentry of the nation, that the custom of creating Peers *by Writ* took rise: since, if a Baron was summoned by the King's Writ to attend the parliament in person, he was certainly no longer to be considered as one of those

regularly to choose a number of representatives, † whose charges they bore

those who were *represented* amongst the lesser barons by the knights of the shires. And this method of creation Lord Coke, [1 Inst. folio 16. b.] informs us is the most ancient of any; and the nature of it such, that they who are thereby made noble, do not become so till they have actually sat in Parliament. In confirmation of this idea of the origin of distinguishing the nobility from the Barons in general, it may be observed, that in ancient Charters and Records, the word Baron signifies only a freeholder or free-man, and that the *Barons of London, and of the Cinque Ports*, signifies no more than *Freemen of London and of the Cinque Ports*, [1 Inst. f. 58, a.] which title the latter retain even to this day. And agreeable to this, Henault [Vol. 1. p. 242.] tells us, that in Europe in general, by nobility, originally, nothing more was meant than being free born.

The titles of nobility now made use of in England are of later date.—That of Duke
was

† Hume, Vol. 2. p. 88.

bore, and who were to sit amongst
the Peers; and also summoned the
representatives

was introduced in the time of Edward III. [1 Inst. folio 69. b.] that of Marquis, in the time of Richard II. and that of Viscount in the time of Henry VI. The title of Earl is the most ancient, [Hume, Vol. i. p. 143.] and the persons honoured with it, were at first named by the King, but by the laws of the Confessor were to be chosen in the folkmote. They were in Saxon times the Superintendants of Folkland, [Dalrymple's Essay, p. 12.] and were called Copes or Counts, and afterwards Earldermen and Earls. Under them the Sheriffs held their jurisdiction in the several Counties; [Ancient Customs of England. Harleian Miscellany, Vol. i. p. 234.] and they had originally the third part of the pleas of each County, or the third penny of the fines and mulcts in each province, allotted them for their support. Afterwards they had a certain sum of money paid to them out of the Ex-

~~Mania~~
chequer

representatives of the Boroughs. These last formed at first a distinct house by themselves,*but afterwards had the representatives of the lesser Barons (the Knights of the shires) added to their

chequer in lieu of this; and at length the Dignity became merely titular and honorary. We find indeed some historians mentioning Dukes before the Conquest, as the Duke of Mercia, the Duke of East Anglia, and the Duke of the East Saxons; but this title with regard to them, is used in a very different sense from what we now understand by it, meaning only Officers or Generals appointed over certain districts for life,(and sometimes only during pleasure,) the possession of which places gave them a title to certain emoluments and privileges.

* Hume, Vol. 2. p. 89. Burnet's History of the Reformation, Vol. 3. p. 49.

their body, the latter being then removed from the House of Peers. ||

Edward I. having given this form to the Constitution, it became customary for the Knights and Burgeſſes aſſembled in Parliament, when they granted ſupplies, (the raiſing of which was the principal cauſe of their being called together,) †to prefer petitions to the Crown for the redreſs of grievances : and theſe petitions, being answered, gave birth to

|| The Cauſe of this Diviſion at firſt was probably no other than that ſimple one of not finding a room large enough, at the ſeveral places where the Parliament was aſſembled, to hold the whole body.

† Hume, Vol. 2. p. 91.

to regular acts of Parliament. ‡ Lord
 Chief justice Hale informs us, that
 “ from the beginning of the reign of
 “ Edward III. till near the end of that
 “ of Henry VI. (i. e. for almost 150
 “ years) Statutes were not in the
 “ first instance drawn up in the form
 “ of Acts of Parliament; but the
 “ petition and the answer were en-
 “ tered in the Parliament Rolls; and
 “ out of both, by the advice of the
 “ Judges and others of the King’s
 “ Council, the Act was drawn confor-
 “ mable to the petition and answer:
 “ and the act itself, for the most
 “ part, entered in a Roll, called
 “ the Statute Roll; and the tenor
 “ thereof affixed to Proclamation
 “ Writs

‡ Hale’s History of the common Law, p. 14.

“ Writs, directed to the several
 “ Sheriffs to proclaim it as a Law in
 “ their respective Counties.”—The
 Commons were long without any
 Speaker. The first they had was in
 the reign of Edward III. † about his
 6th year; but they did not choose
 § one themselves ’till 1377, the
 year that Richard II. came to the
 Crown.

We see, therefore how hitherto,
 the Constitution improved with the
 manners and industry of the People:
 and from this period we shall find
 both advancing to a more perfect
 state by *quicker* degrees. Such a
 spirit of liberty had been introduced,
 and

† Hume, Vol. 2. p. 91.

§ Hume, Vol. 2. p. 242.

and such means of independant support, that vassalage became almost intolerable : and even in the reign of Richard II. * multitudes of people joining in an insurrection, in consequence of the farming out the poll tax, loudly demanded the abolition of slavery ; to have fixed rents instead of service by villenage ; and free commerce. But the time was not yet come for them to enjoy these blessings, nor were they *then* sufficiently civilized and industrious to be fit for them.

For many years after that time the government rested on a very uncertain foundation. It was no unusual thing for the Crown to raise
money

* Hume, Vol. 2. p. 246.

money by various means without the consent of the people: and the privy Council had in Edward III's. time assumed * a power of augmenting any tax of themselves, if it did not answer what was expected from it, or was found insufficient. But in the reign of Henry IV. the Commons insisted on maintaining the § practice of not granting supplies before they received an answer to their petitions; and this gave them an opportunity to restrain in some degree such irregularities, and inured them to oppose such stretches of power, till at last they demanded to be freed from them.

I

In

* Hume, Vol. 2. p. 227.

§ Hume, Vol. 2. p. 293.

In the reign of Edward IV. Caxton introduced the art of printing. Wickliff had before taught men to reason and think, and, (his writings being spread abroad,) learning and science began to appear, and the people became more civilized. Trade also was increased, and gave them still greater means of independant subsistence; and thus all things hastened to such a state as demanded another change.

The accession of the Tudor family did, from many concurrent circumstances, favour this event: and though they probably sought only to maintain and increase their own greatness, yet no sooner did they
mount

mount the throne, than they entered into measures that greatly promoted the cause of liberty.

Henry VII. in order to conciliate the affections of his subjects, and the better to secure his title to the crown, passed † many good laws ‡ favourable to trade, and enforcing the execution of justice. Amongst which were these following. A Law that fines should conclude * strangers rights; by which a means of cutting off entails effectually was afforded, that at once tended to lessen the

I 2

riches

† Lord Bacon's Life of H. 7. Kennet's History, p. 596.

‡ 3 H. 7. c. 9.

* 4 H. 7. c. 24. as feudal land had been been made subject to alienation by the Statute *quia emptores* in the time of Ed. I. so by this Statute even lands entailed were also rendered alienable.

riches and power of the nobility (still too great) and gave an opportunity to the industrious commonalty to acquire landed estates.—*A law against Deeds to defraud Creditors.—Several Statutes for the maintenance of drapery; and for the † keeping wool within the realm, which heretofore was manufactured abroad: and by this means the working of it at home was introduced and promoted, and a foundation laid for our present trade and riches. § A law against taking away women by force was also enacted, for the security of the property of heireffes.—And besides these

* 3 H. 7. c. 4.

† 3 H. 7. c. 11. 4 H. 7. c. 11.

§ 3 H. 7. c. 2.

these, || A Law ordaining that Clerks convict should be burnt in the hand; —† Another giving an attain on a false Verdict;—And* another to enable the poor to sue without paying fees, (in forma pauperis,) were also passed, for the better execution of justice.

Even the establishing the authority of the Star-Chamber was a step towards a greater degree of freedom in the constitution, though it soon afterwards became so great a grievance; for Lord Bacon † observes “*that the thing principally aimed at by it*

I 3

“*was*

|| 4 H. 7. c. 13.

† 11 H. 7. c. 21.

* 11 H. 7. c. 12.

† Life of H. 7. p. 594.

*“ was force, and the two chief sup-
 “ ports of force, combination of mul-
 “ titudes, and maintenance or head-
 “ ship of great persons. The vast and
 enormous power of the Nobles was
 broke by these means; and such a
 a step towards liberty, was surely
 some kind of recompence for the op-
 pressions exercised by this Prince.
 What his motives were, ought to be
 no part of the present consideration;
 it is sufficient for the support of what
 is advanced in this essay, that his
 conduct was attended with such con-
 sequences.*

Soon after this time, an acquaint-
 tance with some degree of literature,
 and the doctrines of Luther and the
 reformers, taught men to think the
 slavery

slavery of the mind much more insupportable than personal servitude : and therefore, the great thing then aimed at was a reformation in religion, and the shaking off the usurped power of the Pope of Rome ; in order to effect which every other consideration was laid aside, and the power of the Crown, instead of being limited, was (as Mr. Hurd has excellently observed in his dialogues) increased to an enormous degree, as a necessary means to accomplish this end.

During the whole reign of Henry 8. this was the sole object in view, and was indeed in itself one of the greatest steps towards liberty that could be taken ; and availed much more to

promote it, than the exorbitant power usurped by Henry, or any of his successors, did to retard it. The establishment therefore of this change is the principal thing to be attended to, as forwarding an improvement in the constitution, both in this, and in the succeeding reigns, down to the time of James I.

Yet there were also other things done which greatly conduced to the same end; and I shall here just give a short account of some of the most beneficial. The Commons acquired, in the time of Henry VIII. a power of freeing any of their members who were arrested; * which they exercised

* Hume, Vol. 3. p. 249.

exercised at first, by causing a writ on such occasions to be issued out by their Speaker. ——— Many Acts were also passed, in that reign, which promoted the woollen Manufacturies, and tho' the distant and future effect was then unseen, yet the increasing the private wealth of individuals was one of the surest means of introducing a freer form of government. Elizabeth's encouraging agriculture and exportation, tended much more to augment the riches and trade of her subjects, than her ill judged patents did to diminish them : and the Company of the Merchants in the Steelyard (who were all foreigners, and carried on almost the whole trade of this country on foreign bottoms) having been dissolved

dissolved† in the time of Edward VI. this afterwards, in her time, gave an opportunity to the English Merchants to trade for themselves, in ships of their own, and was a great means of promoting commerce in this kingdom. Elizabeth's great encouragement also of learning, and of the study of the Greek and Roman Authors, (which naturally roused a spirit of liberty,) and her doing this both by her own example, and by promoting learned men in the church, was of no small service.—And we may add, that her professing in publick, on every occasion, to make the good and welfare

† Sir John Hayward's Life of Edward VI. or Kennet's History of England, Vol. 2. p. 326.

welfare of her people the sole end of all her power, (whether she meant it or no, and notwithstanding her carrying it with so high an hand) had its use ; since *thereby* the people were taught to consider their rights and privileges, as being of more importance than they ever were accustomed to think them before.

It may not however be amiss to take a short view of the prerogatives usurped and exercised by the several princes during the above-mentioned period : But it should first be observed, that these, though great, were much less burthensome to the people than the former power and oppression of the nobles, which was effectually removed by this means.

The

The chief grievances were these. The raising money by way of Benevolence. * The number of penal Statutes made in the reigns of Henry VII. and Henry VIII. The Star Chamber; which, tho' at first it answered an excellent end, was now abused to the great oppression of the subject, being made use of to enforce the sovereign's will as a Law, and to supersede all other courts. † The excessive power of the High Commission Court; which having
been

* This Tax was devised by Edward IV. abolished by Richard III. and revived by Henry VII, (Lord Bacon's Life of Henry VII, in Kennet's History of England, Vol. 2, p.620.)

† Hume, Vol. 4. p: 718.

been first est^aablished in the time of Henry VIII. principally with a view to destroy the Papal Supremacy, was afterwards employed to oppress all those who dissented from the established religion. † The power of imprisoning during pleasure. § The

† Hume, Vol. 4. p. 719.

§ This p^rerogative was usurped by the Tudor Princes, contrary to Magna Charta, and with many other unlawful prerogatives was submitted to, as being a means of supporting that great power, which was necessary in order to their establishing the reformation more effectually. It was an express article in Magna Charta, That no person should be imprisoned unless by legal judgment of his peers, or by the laws of the land; and accordingly this was one of the first grievances complained of in the time of Charles I.

The power of || obliging men at pleasure to serve offices. Wardships; which was a necessary consequence of the original tenure of estates, derived from the feudal system. * The Authority of the King's Proclamations: and the Parliaments appointing || (as was done in the time of Henry VIII,) that any nine privy counsellors should form a legal court for the punishing all disobedience to them; though it ought also to be remembered, that, in the reign of Edward VI. the act giving proclamations the force of laws was repealed. *

Henry

|| Hume, Vol. 3. p. 264.

* Hume, Vol. 4. p. 723.

|| Hume, Vol. 3. p. 259.

* Hume, Vol. 3. p. 305.

Henry VIII. and Elizabeth treated the Commons with the utmost rigour and haughtiness, indicting and punishing those members who opposed their measures in the House, calling them before the privy council, and sending them to the tower. A power was moreover assumed by the * Lord Chancellor, of issuing new writs (when parliaments were prolonged beyond one session) to supply the places of any members, whom he judged incapable of serving. § And Henry VIII. even sent circular letters to the Sheriffs of the several Counties, commanding such persons to be elected as his Privy Council should

* Hume, Vol. 5. p. 11.

§ Hume, Vol. 3. p. 340.

should recommend. All these were certainly great oppressions.

In the mean time the Members of Parliament continued to be paid by their constituents, for their service; and so little inclination did many of them discover to be active, that in the reign of Henry VIII. to enforce their attendance, an † Act was passed, that Parliament-men should lose their wages if they went home without leave of the House. Indeed little opportunity was afforded for their exerting themselves; for in general they were treated with an high hand, and only called upon to grant

† Lord Herbert's Life of H. 8. p. 23.

grant supplies, and to confirm the measures taken by the Crown.

There were, however, even in those times instances of the dawning of that spirit which afterwards established our liberties. It appeared in the §Parliament assembled at Black-fryars in 1523, when they refused to grant the sum demanded of them; and in some other circumstances of a like kind: and also in the queries proposed by†Wentworth and other members in Queen Elizabeth's time; which occasioned so many of them to be fined and imprisoned, and which cost the

K ministry

§ Lord Herbert's Life of Henry VIII.
p. 56.

† Hume, Vol. 4. p. 471.

ministry so much trouble to put a stop to.

At last, the Reformation being effected, learning diffused, riches increased, and the people civilized, the time was come for the completion of the glorious work, the establishment of liberty ; when the Stuarts, unfortunately both for themselves and the nation, ascended the throne. The manners and situation of the people demanded a further change in the constitution ; but it was the misfortune of that family not to perceive what the times necessarily required. Instead of yielding to them, and thereby acquiring to themselves a much more solid and lasting glory than that founded on arbitrary power, they

they thought only of maintaining, and even of extending those prerogatives, which had been formerly given to the crown for the publick good, but which, after having answered the end proposed, had degenerated to abuse.

It was therefore an event but too natural that war, confusion, and a vehement struggle, should ensue. And accordingly our liberties were *then* fought for at the price of a great effusion of blood; and as too often happens, bad and designing men took advantage of the circumstances of the times, and drove things to such an extream, as was never thought of, or intended: an extream that was abhorred by those who from the first fought only the publick welfare, but which

was perhaps, from the nature of things, almost unavoidable.—‡ In the midst of this confusion, however, the Act of Navigation was framed, which laid a solid foundation for the increase of our trade, one of the chief sources of our liberty.

The violent proceedings of these times, instead of answering the end proposed, was very near utterly defeating it. The exorbitant power of the crown was indeed removed; but a worse evil, oppression by a few, or in the room of that, the most dreadful anarchy, was ready to take place.

So distasteful a specimen of liberty lessened the general inclination towards

‡ Clarendon's History of the Rebellion, Vol. 6. p. 458.

wards it; the banished family was recalled; and tho' a great means of oppression was removed, by the taking away the court of wards and liveries, tenures in capite and by knights service, and purveyance, * yet the nation was running into the contrary extremam again, by restoring almost unlimited power to the Crown.

But still the times would not endure it: and the abuse of this power in two reigns, caused the people again to seek that liberty which they could no longer be without. The Revolution was brought about; liberty and property secured; and a solid foundation laid for the prosperity of our Country. † K 3 Nor

* 12 C. 2. c. 24.

† The many and great improvements made within this last century, in Astronomy, in Navigation

Nor ought it to be considered
as any objection to the principles I
have

gation, in Natural history, in Manufactures,
in Building, in the several curious inventions
for the use and ornament of life, and in short
in almost all arts, and in many branches of
science, are too well known to need a recapitulation.

I will only just add, that in an age so remarkable for its discoveries, and for a spirit of improvement, it is very surprizing that no attempts have been made, to learn the state of that vast unknown Country in the Indian Ocean, called New Holland; since some parts of the coast have actually by chance been touched at, and since (from the reasonable expectation of there being a counterballance to the continent of Europe) we have good grounds to believe there must be another large continent, situated somewhere in those parts.—From the neighbourhood of this *supposed Continent* to the East India Islands, there is much more reason to imagine

have advanced, that perhaps some of the persons concerned in bringing about this great event, were by no means men of such improved and well cultivated understandings, or of minds so well disposed as I have apprehended to be generally the original causes of such beneficial changes. It

K 4

is

gine it well inhabited, than ever there was to think America should be so. And as an intercourse with it might be very beneficial to a commercial nation, it is a most astonishing thing, that our East India ships, which so often traverse those Seas, should never make any attempts to gain information with regard to it.—The discovery of America occasioned a surprizing change in the state of things in Europe in general; and has proved of the greatest benefit to this island: and perhaps the advantages arising from the discovery of this vast (tho' hitherto unknown) continent, in India, might be no less.

is sufficient that the bulk and majority of the people in general were come into a state so improved, as to make such a change *fit* and *proper* for them.—An uncivilized, rude, and ignorant people, could never have suffered a change of this kind to have been lasting, or have reaped the benefit of it, let the persons who attempted to effect it have been ever so great and good; as we have seen in the case of Zisca and the Bohemians. And a people whose minds were enlarged by commerce, and cultivated by science, could not fail of reaping the benefit of such a change, or of rendering it lasting, (at least 'till luxury enervates them) let the persons who brought it about have been ever so far from meaning good, or
ever

ever so unworthy to be the chief agents in such a cause as that of civil and religious liberty.—We may however make our boast, that most of the persons concerned in bringing about the revolution, and in securing its happy effects, were as truly great, as they were useful.

And now, before I conclude, I must just take notice of an objection that may perhaps be made, arising from a consideration of the state of the French nation at this day. It may be asked, how it comes to pass, if every form of government is naturally the result of the state of things, and almost always accommodated to the manners, dispositions, and improvements of the people amongst whom

whom it prevails, how I say it comes to pass, that the French, who are to the full as far advanced in the improvements of polite life, and perhaps in science, as the English, do not enjoy the same free form of government ?

But I apprehend the answer is not very difficult.—Their natural levity of disposition, perhaps, renders them rather too unfit for it.—'Twas this levity prevented their establishing such a form during their civil wars, (as evidently appears from the memoirs of Cardinal de Retz) : and had they then obtained it, this same levity would probably have occasioned, first their abuse, and then their loss of it. The reason, therefore,

fore, why their form of government is so different from ours, though their other improvements are now much the same, seems to be because their natural dispositions are so different.—It must however be confessed, that there is at present, in France, a great appearance both of a beginning of a reformation in religion, and of their attaining a greater degree of freedom: and probably the only inconvenience arising from their national levity may be, its having postponed their liberty for a century or two. They have advanced by nearly the same steps as we did, and it is most likely they will at length compleat their work.

In

In the time of Clovis, they were a barbarous people ; not much superior, in the improvements of life, to the Britains their contemporaries, of whom Cicero speaks with so much contempt. †

Both

† Quod si in Scythiam, aut in *Britanniam*, sphæram aliquis tulerit hanc, quam nuper familiaris noster effecit Posidonius, cujus singulæ conversiones idem efficiunt in sole, et in luna, et in quinque stellis errantibus, quod efficitur in cælo singulis diebus et noctibus : quis in illa *barbarie* dubitet, quin ea sphæra sit perfecta ratione ? (De Natura Deorum L. 2, S. 34.)—Who at that time in Rome could imagine, that Britain would produce a Newton, and carry the Science of Astronomy further than ever any nation did before ?

Horace

Both somewhat resembled the American Indians in these our days; and were to the Romans, and more civilized parts of the World, what the latter are to us. So unsettled and rude was their government, that a celebrated French Writer, M. de Boullainvilliers, doubts whether they really had any Kings in early times or no. Hewas however mistaken; and his error

Horace speaks of this Island with no less contempt.

————— in ultimos

Orbis Britannos.—

Carminum, L. 1, 35.

And — Britannos hospitibus feros.

L. 3, 4.

And again ————— remotis

Obstrepat Oceanus Britannis.

L. 4, 14.

error arose from observing the inconsiderable figure that a king made in those days. It is certain there was no regular, or well established form of government; and that during the first race of kings, the crown descended without any regard to the right of elder-ship, without any distinction between bastards and lawful children; and was divided, when there were many. ‡ Nor was any regular order of succession fixed, 'till the time of the third race, which commenced under Hugh Capet in 987.

In the time of Pepin, and long afterwards (under the second race,) they

‡ Henault, Vol. 1. p. 51. The Edition referred to throughout this Essay is the fifth, —printed at Paris,

they were in much the same state as our Saxon Ancestors : Their nobles great, independant, and powerful ; and their King little more than their general, or first lord.—

A great increase of power was given to the former, in the time of Charles the bald, by their titles and dignities being made || hereditary : and in 957 the crown was reduced to such a state of insignificance, that ‡ Lothaire, (having little else than the city of Lyons,) took no part in the wars which his vassals made one upon another. Every Lord had full and supreme jurisdiction in his own § territories : and the ignorance and barbarity

|| Henault, Vol. 1. p. 91.

‡ Henault, Vol. 1. p. 109.

§ Henault, Vol. 1. p. 130.

barbarity of those times was excessive; as I have before observed.

The first efforts that were made by the Crown to assume any degree of power, were in the time of Louis le Gros, about the year 1136: and they were similar to those made in England about the same time. He sent ‡ Missi Dominici into the Provinces to administer justice, much in the same manner as our Henry II. afterwards sent the judges of assize into our Counties. And much in the same Manner they endeavoured to draw all causes, (by means of appeals) into their courts. He endeavoured also to give some little consequence to

* Henault, Vol. I. p. 169.

to the commonalty. And these measures were so far pursued in France (as they were also in England under Edward I.) that it appears from an ordinance of St. Lewis, dated in † 1254, that the three Estates were consulted, when any thing was debated in which the people had interest. And in 1270, Philip III. increased the power and consequence of the commons still more, * by permitting them to be ennobled.

Yet still the manners and ideas of men continued as barbarous in France, as they did in England. When the finances were low, the †

L Jews

† Henault, Vol. I. p. 228.

* Henault, Vol. I. p. 238.

† Henault, Vol. I. p. 388.

Jews were plundered there, as they were here. And Charles VI. in 1383, having a mind to make amends to ^{a person} ~~one~~ who had his hand cut off for some offence, permitted him to have a new one of whatever materials he should choose. §

In about a century after, the Crown acquired a still higher degree of power, and reduced that of the nobles still more. Lewis XI. was continually employed in humbling them: and in order to have a quicker and more certain information of their machinations and plots, he established Posts in France, for the conveyance of letters, by an edict of the

the year 1464. ‡ This method of conveying intelligence was till then almost intirely unknown in Europe.

|| and tho' his intention was only to

L 2 watch

‡ Henault, Vol. 1. p. 385.

|| There was no *General Post office* in England 'till after the Restoration, when that which now subsists was established by (12 C.2. c. 35.): but it appears from the preamble of that Act, that there had been several public post offices erected in various parts of the kingdom long before, and also many private ones; and there is reason to think, from several circumstances, that this manner of conveying letters was first introduced in England, much about the same time as it was in France.

—Till then it seems to have been quite unknown in Europe. We have no reason to imagine that even the Romans ever had any such useful contrivance; tho' their great men had such frequent occasion to send dispatches to one another, and tho' Xenophon (whose writings they

watch over and curb the restless spirits
of the great Peers, yet the invention
of

they must have been well acquainted with) mentions some such establishment being introduced in the East by Cyrus.—His words are

Καλεμάθομεν δὲ αὐτὲ καὶ ἄλλο μηχανήμα πρὸς τὸ
μείγεθαι τῆς ἀρχῆς, ἐξ ᾧ ταχέως ἡσθάνειο καὶ τὰ πάμπλου
ἐπέχοντα ὅπως ἔχοι. Σκεψάμεθα γὰρ πόσῃν ἂν ὁδὸν
ἵπποι κατανύτοι τῆς ἡμέρας ἐλαυνόμενοι ὥς διαρκεῖν,
ἐποίησαντο ἵππωνας τοσούτο διαλείποντας, καὶ ἵππους ἐν
αὐτοῖς καλίσσῃσι, καὶ τὰς ἐπιμελεμένους τέτων. Καὶ
ἄνδρα ἐφ' ἐκάστων τόπων ἔταξε τον ἐπιήδειον παραδέχεσθαι
τὰ φερόμενα γράμματα, καὶ παραδίδοναι, καὶ παραλαμβάνειν
τὰς ἀπειρηκότας ἵππους καὶ ἀνθρώπους, καὶ ἄλλους πέμπειν
νεαλῆς. Ἐστὶ δ' ὅτε ὑδὲ τὰς νύκτας φασὶν ἵσασθαι ταύτην
τὴν πορείαν, ἀλλὰ τῷ ἡμερινῷ ἀγγέλω τὸν νυκτερινὸν
διαδέχεσθαι. (Hutchinson's Xenophon, quarto,
p. 643.)—i. e. *We learn also another contri-*

vance of his, designed on account of the great-
ness of his empire, by means of which he was
informed how things were even at a great distance.
For, considering how far an horse could travel in a
day, being made to go as fast as he conveniently
could

of it perhaps contributed more to the civilizing the people, and to the raising them from that depressed situation they were in, than almost any other whatsoever : for by means of it a mutual correspondence was opened, that tended much to spread and increase the little learning there was at that time in Europe ; and an opportunity was given to the trading part of the nation to transact their business more expeditiously, and of consequence to enlarge their deal-

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ings

could, he built stables (or inns) at such distances, and placed horses in them, and people to take care of them. He appointed also at every one of these places a proper person to receive letters, and to deliver them, and to take care of the wearied men and horses, and to send out others fresh.—And, they say, that these stages were continued even during the night, and that a messenger who rode then succeeded to him who had travelled in the day.

ings, and to acquire greater means of independent support. But from a number of concurrent circumstances it happened, that the advantages of this kind in France were never so great as those in England, and therefore did not produce the same beneficial effects,

As I have before said the chief aim of Lewis XI., during his whole reign, was to lessen the greatness of his Peers : and the destroying the power of the Duke of Burgundy was even more advantageous to him, than the destruction of that of the Earl of Warwick was to Edward IV. In short he arrived at last to such a degree of tyranny, that he caused cages of wood and iron, about eight feet square, to be made; in which he confined
men

men of the first rank. || Philip de Comines himself was shut up in one of them, for near eight months, on the accession of his Successor Charles VIII. It ought not to be forgot, however, in how cruel and tyrannical a manner Edward IV. (in England) about the same time, first injured † Burdet, and then caused him to be put to death, because he complained. Nor, how wantonly and barbarously * a poor publican was executed for saying, in jest, *he would make his son heir to the crown*, (which was his sign.) Tyranny with regard to one part of the subjects, is very consist-

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|| See his Memoires, Vol. 2. 85, or Paris edition, p. 228.

† Rapin, Vol. 6. p. 130.

* Vol. 6. p. 1.

ent with a small degree of power with regard to others, or even with regard to the nation in general: as is sufficiently evident in the history of Scotland.

But to proceed; at last, in the times of Lewis XIII. and XIV. the nobles were more effectually humbled in France, than ever the Peers were in England in the times of Henry VII. and VIII. It was one of the three great points that Cardinal Richlieu § was resolved to

§ Possibly it was the consideration of Cardinal Richlieu's having carried this point, that made the Czar Peter exclaim, when he saw his tomb at Paris, *Thou great man, I would have given thee one half of my dominions, to learn of thee to govern the other.*—See Voltaire's History of Russia, Vol. 2. p. 136.

to carry : and in short, the Regal power, raised at first in France (as in England) for the good of the state, was, by a concurrence of circumstances, made at once too great, and was never curbed there as it was here. The industrious and commercial part of the French nation received indeed some encouragement, under Lewis XI. and particularly under Lewis XIV. from the genius of the great Colbert : But the ambition of the latter kept them in poverty, and made them groan under heavy exactions ; and the nation was, at that time, too far from being thoroughly civilized, and from having imbibed those generous principles which Science implants in the mind, to aim at liberty. To which
may

may be added, that their national religion rivetted their fetters; and will bind them fast, as long as it prevails; and be an effectual means of preventing their obtaining freedom.—Voltaire † observes, that the endeavours of Francis I. and of Henry IV. to civilize France, were unsuccessful; and gives a full account of the ignorance and barbarity of the French, on the accession of Lewis XIV.

It is no wonder therefore (especially when we add the consideration of their national levity) that, being so unfit for freedom, they did not obtain it. And on that account, their present situation is no objection to the
general

† Age of Lewis XIV. Vol. I. p. 5.

general principles I have endeavoured to advance ; but on the contrary, is rather a confirmation of them : and particularly so, when we consider how similar the changes in their government, attending the state of their manners, were to ours.

Thus, on a closer inspection, the objection, arising from the present state of the French, seems to be in a great measure, if not entirely removed. And I persuade myself, that from the position I have ventured to advance, we may account for most of the different forms of government that now subsist in various parts of Europe.

The Spaniards, more grave than either French or English, but less civilized

civilized than either ; and who are some hundred years behind hand as to their learning, and the state of Science amongst them, are still under a form of government very oppressive. The great power of the nobles is not yet sufficiently reduced ; and trade and agriculture have not been cultivated in Spain, so as to raise the bulk of the common people to any degree of consideration in the state, or to make them worthy of, or fit for liberty.

The Danes, to humble their nobles, about a century ago, flung all the power into the hands of their King. * They were become fit for a greater degree of liberty, and found no other means of obtaining it

* See the present State of Europe, p. 71.

it, but by limiting at all events the oppressive power of the Lords: they therefore overshot the mark, and by raising the King at once too high defeated their own design. They did indeed humble the nobility effectually, and deprive them of power: but they made use of too rough a means, and enslaved themselves more absolutely. As the constitution and manners of a people always operate insensibly on each other; in consequence of this unhappy step (as Lord Moleworth observes†) they are sunk and depraved, and gone backwards instead of forwards. They are less rich, less industrious, less civilized, see liberty at a still greater dif-

† Account of Denmark, p. 31.

distance, and are indeed (I speak of the common people) still less fit for it than before. Arts, however, and trade begin insensibly to appear amongst them in spite of all these disadvantages; and the time will probably at length come, when they will recover the shock, and when, at a fit juncture, they will gain freedom, and compleat the work that was so imperfectly begun.

The Swedes, in the time of Charles XI. were become more civilized than they had ever been before. Disgusted with their ill success in war, and at their nobles refusing to bear a proportionable part of the burthen, and having a King beloved for his equity and justice, they embraced

braced that opportunity of freeing themselves from the oppressions of their nobility; flung the power into the hands of the Crown; and made their King one of the most absolute monarchs in Europe.*—In consequence of this he effectually destroyed the greatness of the Swedish Lords, and gave the commonalty an opportunity of rising from their obscurity; but at the same time he soon abused his power by the most arbitrary actions, in the exercise of which his successor Charles XII. went far beyond him. The people, however, were still more and more civilized by their commerce with foreign nations, and became gradually fit for the enjoyment

* See the present State of Europe, p. 49.

ment of freedom. They took therefore the first opportunity of shaking off the yoke they could no longer bear, and on the death of Charles XII. vindicated their liberties. They now enjoy a more free form of government and cultivate the arts and sciences with such attention and care, that, notwithstanding the little figure they have of late made in Europe, there is reason to think they will soon become of great consideration.

The inhabitants of Poland are still ignorant, fierce, uncivilized, and under the power of many great and independent Lords. Their King is still of little consequence in the state, and has but little power. And, as they

they are situated in such an inland country, it may be some time before so great a degree of trade, and § so

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§ In their universities their chief study is to *speak* Latin, the syntax of which very nearly agrees with that of their own language; but they very seldom, if ever, read the admirable classick authors in that tongue, and are strangers to polite learning. — Their Theology is a mixture of Aristotle's Logic and metaphysics, with School Divinity: and their Divines know little of the Scriptures, or of Antiquities. Physick also, and natural history they are quite unacquainted with. [See Atlas Geographus, Vol. I. p. 230.] They have, however, had some Scholars; but those are few in number, and such singular instances form no exception to the general state of a people: (It may also be observed, that learning was very nearly in this situation in England in the feudal times). — They have not any sort of manufacturies; the gentry
being

much science is introduced, as will fit them for a further change. Freedom they could not as yet enjoy properly, if they had it. An Arbitrary Prince might be a means of civilizing them; and the being conquered would perhaps be the greatest blessing that could befall their Country.

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being absolutely forbid by law to follow trade of any kind, and the commonalty wanting funds: and what trade they have, is chiefly carried on by foreign merchants as it was formerly in England. — [Atlas Geographus, Vol. 1. p. 214.] The lower sort of people are now in Poland, as they were in the feudal times in this country, lazy and ignorant, and are by the laws rendered incapable of possessing property; as was also the case before the time of Edward I. [^] here

The Crim Tartars still live in little independant Clans: and are in no respect advanced above the character of the most ignorant and uncivilized savages.—They reckon it unworthy of a man to till the ground, and have no fixed habitations; but with their flocks and families wander from place to place. They are dirty and filthy in their apparel; and place all their happiness in the pleasures of sense. ‡ They have no notion of justice or equity; but take any thing they want without any scruple, where-ever they find it. They are exceeding cruel; and their only punishment for murder, is to take from

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‡ Atlas Geographus, Vol. 1. p. 190.

the murderer his cloaths, arms and horses. This is their prevailing character: but like all other savages, they have some virtues, and are remarkable for keeping their promise to their enemies.

In many parts of Germany trade flourishes, and learning prevails; and many parts of Germany are free.

The Dutch abound with arts and Commerce; and when these first began to appear amongst them they vindicated their liberties, and established a free and regular form of government. † And if at present the
lower

† Temple's History of the Netherlands.

lower rank of people do not enjoy in that country all the freedom and independance they formerly had, 'tis because the riches are fallen into a few hands, and because the making wealth alone the sole object of attention, has increased that want of publick spirit, and that luxury, which is an enemy to all civil improvements, and which may in time render them utterly unfit to live under such a form of Government, as they on the first establishment of their republick enjoyed.

The Switzers were very soon driven by oppression, and enabled by the nature of their country, to shake off the yoke laid upon them by an arbitrary and tyrannical prince:

and it is indeed true, that at the time *they* became free they were not much acquainted either with arts † or with science; and that the refinements of life have not, even to this day, gained much admittance amongst them. But yet, even so early as the beginning of the fourteenth century, they were emerged from those savage manners, and from that deplorable state of stupidity

† We have a strong proof of their ignorance of any of the fine arts or refinements of life, in the memoirs of Philip de Comines; who says, that when they defeated the Duke of Burgundy, they were so ignorant of the value of things, that they cut one of the richest tents in the world in pieces, and threw away his richest jewels. — Vol. 2. p. 408. or Paris Edition, p. 151.

dity and ignorance, which prevailed
 amongst most of the nations in Eu-
 rope at that time. Though they had
 not attained those improvements and
 refinements of life, the excess of
 which rather leads to the destruc-
 tion of free constitutions than to the
 support of them; § yet the barren-
 ness and nature of their country had
 compelled them to be industrious;
 to attend to agriculture; and to
 leave that savage idleness which was
 so universal every where else. By
 these means individuals were enabled
 to support themselves in an indepen-
 dant manner, and led to do so by
 habit and custom: and they were
 induced for the sake of preserving

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§ Stanyan's Account of Switzerland.

the fruits of their industry, rather to maintain good order, than to encourage rapine and plunder; and consequently were become fit for that liberty which they so early obtained.—In other respects the progress they have made in the knowledge of arts and in learning has been but slow; yet they have preserved the freedom of their constitution; and probably, like trees of slow growth, may in the end be the stronger: and perhaps may flourish and be considerable, when the other states of Europe are degenerated and sunk into slavery.

In most parts of Italy, ignorance, indolence, and superstition, take place; and there also arbitrary and

and oppressive power rules with an iron rod. There are indeed some few free states; but they are mostly so small and inconsiderable as to deserve little notice in this general view, tho' a particular examination of them would perhaps add strength to the argument. One, however, which is called a free state, and has made a great figure in the world, ought to be particularly mentioned. — I mean the Republick of Venice. Commerce, the arts, and even science have appeared there formerly; and therefore their having attained a form of government which still has the name and appearance of freedom, is not at all inconsistent with the principles here advanced; whilst their *real* situation strongly confirms

confirms them. The Venetians (according to Bishop Burnet's account †) are sunk into an excess of debauchery and luxury, *they pursue (says he) forbidden pleasures so violently, that they know not how to find out such as are allowable*: and the ignorance, not only of the laity, but even of the clergy was become, in his time, excessive.* They therefore have only the *name* of liberty; and whilst they call themselves free, are in reality slaves. Mr. Ray, who has given a very particular account of their constitution, informs us, † that the citizens in general, of what quality

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† See his Travels, p. 147.

* Burnet's Travels, p. 140.

† Ray's Travels (old edition) p. 198.

or estate forever, have in reality no share or interest at all in the government.

And Dr. Burnet tells us, † that the liberty of Venice (*such as it is*) is owing intirely to the establishment of the State Inquisitors, who by their absolute power and severity make all ranks and orders of men to tremble.—The Venetians therefore are an instance of a State degenerating by luxury, vice, and indolence, into slavery : for the evil is just the same, whether the subjection be to one despotic monarch, or to a few petty tyrants ; there is only this difference, that of the two the latter is often the worst. Many writers, however, and especially the Author of the

† Burnet's Travels, p. 156.

the Present state of Europe, have extolled the maxims by which the Venetian Government is conducted. —But it should be observed, that they speak only of the efficacy of those maxims to preserve the state powerful and independant amongst its neighbours ; whereas I am speaking of the internal government, as it relates to the people who live under it. A very despotic state may be, and often is, very powerful and reputable.

The Russians I have already mentioned in the beginning of this Essay. Before the time of the Czar Peter, Voltaire says§ they made the same figure

§ History of Russia, Vol. 1. p. 81.

gure on the Black Sea, as the Normans did on the Banks of the Ocean ; making excursions in little barks, and plundering all around them : and from what he relates of the grand Knez Wolodimer's dividing his dominions amongst his children, we find there was no regular order of succession or fixed government there, any more than in France under the first race of Kings.—The Boyars, or Knez, were anciently independant heads || of little Kingdoms or governments, and were all subdued by the Princes of Voldomir, to whom at last the great Czar Peter succeeded. They had vast power for

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|| Lord Whitworth's Account of Russia in Dodsley's Fugitive Pieces, Vol. 2. p. 183.

a long time ; and were constantly followed by an exceeding numerous train of attendants, * whom Peter afterwards obliged them to dismiss, and send into the army. The Country Gentlemen in Russia † (like our lesser Barons) held their lands by a kind of tenure exactly resembling our knights service : and the Peasants were perfect slaves, subject to the arbitrary power of their Lords, and transferred with goods and chattels †. Such was the state of Russia, even

* Perry's State of Russia, p. 203.

† Lord Whitworth's Account of Russia, p. 185.

† This was the case even in Lord Whitworth's time in 1710.—An attempt has since been made to free them from this bondage ; but it was by no means well received.

even not much above a century ago : and in those times, we find this kind of government (which so much resembles what subsisted in the southern parts of Europe in the first ages) was attended with the most savage and uncultivated manners; and was probably there, as well as here, the consequence of them.—Voltaire says
** we must not imagine their manners were so barbarous as represented by some historians; but he himself confesses || that they were so far from having any of the ingenious and ornamental arts of life, that they had not amongst them even those that are necessary for a comfortable subsistence.*

* History of Russia, Vol. 1. p. 67.

|| P. 83.

sistence. And to be convinced, that their ignorance was excessive, § and their manners uncultivated, and even brutal in the highest degree, we need only just look into the accounts of Russia, given by LeBruyn, and Perry (whose veracity we have not any reason to question). I have said, that an arbitrary Prince might be a means of civilizing the Poles; and an arbitrary Prince did in some measure actually civilize the Russians. The whole conduct of the great Czar Peter is too well known to need the least mention in this place.—I will only just add, that as a reformation by
force

§ See Perry's State of Russia, from p. 200. to p. 223. and also p. 227. to 230. And Le Bruyn's Travels, Vol. 3.

force, where the conviction of the mind is wanting, is not likely to produce such solid and lasting effects, as that which is founded on perceiving the advantages of such beneficial improvements and changes ; so, the attempts of the Czar Peter were not attended with such salutary and lasting effects as he designed : And the Russians, instead of making still further improvements on the foundations which he laid, are rather gone backward, and have been declining to their former manners. It is impossible, however, but that they must have perceived the advantages of many arts, and of commerce, and have shook off in some degree their excessive ignorance; and in consequence of this, we find that their government

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is not so despotic and cruel as it was formerly, and that even some spirit of liberty begins to appear amongst them.

In Turkey the passions have almost unlimited dominion: the understanding is very little cultivated, and every thing is sacrificed to the senses.—§ They have not

§ We have a singular account in the latter end of Greaves's *Pyramidographia* [Vol. 2. p. 596.] of the indolent and luxurious manner in which the Turks pass their time. And Le Bruyn informs us [Vol. 1. p. 449.] that they carry their indulgence of sensuality and vice to such an excess, as leads them to the most shocking state of depravity, and takes from them their relish for such enjoyments as are natural. (see also Montesquieu's *Spirit of Laws*, Vol. 1. p. 279.) Lady M—y W—y Montague has given an elegant description of some remarkable instances of their luxury: and Dr. Shaw, Dr. Pococke, and indeed most travellers into those countries, and

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not therefore spirits, leisure, or inclination to attend to the improvement
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Le Bruyn in particular, [Vol. i. p. 460.] inform us what a deplorable state of ignorance they are in with regard to almost all sciences. —It was even a principle of their religion to neglect them. The story of *Omar*, who commanded the library at Alexandria to be burnt, is well known, [see Ockley's History of the Saracens, Vol. i. p. 313.] and tho' perhaps their barbarity is not the same now as it was then, yet the fundamental principles of the Turkish religion are much the same still, and their ignorance is not much less. —Montesquieu observes [in his Spirit of Laws, Vol. i. p. 35.] *that learning is dangerous, and emulation fatal in a despotic state.* —And he adds, p. 64. *That of all despotic Governments the worst is that where the Prince declares himself Proprietor of the lands, and heir to all his subjects.* It appears from the best accounts we have, that this is literally the case in the Ottoman

of their constitution. So long as
they can indulge themselves in sensu-
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toman empire with regard to the estates of all the great men, and in some degree with regard to all the Subjects: and Dr. Pococke mentions it as an extraordinary privilege in Candia, [Vol. 2. p. 266.] that the people have such a property in their lands that only a seventh of the produce belongs to the Grand Signor, and that when they die the lands are divided amongst their children. It would perhaps be carrying the argument rather too far, to observe that even the arts, as well as science, are in a wretched and languid state in Turkey.—Le Bruyn indeed informs us [Vol. 1. p. 140.] that the gardens of the Grand Signor's Seraglio are very mean and irregular, and the buildings nothing to compare with those in Christian countries, not having the least regularity or symmetry: and the same thing is also observed in the curious account of the Seraglio given at the end of Greave's Works [Vol. 2. p. 609.] but this may be
owing

al pleasures, they aim at nothing else; and want the virtue and greatness of mind that gives birth to, and supports, freedom. In that part of Eu^rope, therefore, is seated absolute and despotic power; and there it will remain, 'till by some means or other science teaches men to know their privileges, and reason subdues the passions, and leads them to aim at nobler pursuits than mere sensual gratifications.

It is true indeed, the form of government, which the Turks live under, fosters the unhappy turn of mind
described

owing only to a peculiarity of taste; and however deficient the Turks may be in the culture of the arts in general, they are in many things undoubtedly very magnificent.—The Edition of Montesquieu's Spirit of Laws referred to in this Essay is the small one of the English Translation.

described above, and tends to perpetuate the evil; and appears at present rather the cause than the effect of their manners; but 'tis also true, that till they become more industrious, more wise and virtuous, their government cannot well be changed, or receive any improvement.

A melancholy consideration it is, that from the very nature of things, arbitrary and despotic forms of government tend to perpetuate themselves, by enervating the mind: whereas free forms of government, if not carefully watched over and cherished, tend to destroy themselves, by introducing riches, luxury, vice, a want of due subordination, and in consequence a general corruption of manners.

Before

Before I conclude, I cannot help observing, that the origin of most nations in Europe, and of most of the great kingdoms in the world, seem to have been much the same; and that the steps by which they have respectively advanced to greatness have no small degree of resemblance.*

A savage, ignorant, and uncivilized race of men, without laws, without arts, and without mutual commerce, living in little petty independant states have first
peopled

* Thus Dalrymple observes, with regard to the alterations made in the feudal system, that almost every nation in Europe has run, or is running, the same course, p. 265.

peopled each country.—‡These have been invaded, and driven out, or conquered, by more warlike, and generally by more civilized people; and small states have been formed, or colonies planted by the conquerors. One of these has become more powerful, and swallowed up all the rest: then the kingdom has become respectable, regular laws have been composed, and enforced; the subjects have dwelt in security; science and the arts have begun to flourish; and riches and luxury, have taken place of poverty and hardship, and led men to another extream, almost as dangerous as that from which they emerged.

‡ It is well known that, before the four great Monarchies began, every city or town, with the neighbouring villages, was a distinct government by itself. We read (in Scripture) of thirty one Kings in Canaan only.

F I N I S.



E R R A T A.

- P. 5, Pref. l. 9. dele *to*.
- P. 12, l. 3, for *Govenment*, read *Government*.
- P. 21, In the Note, for *Dalrymyle*, r. *Dalrymple*.
- P. 28, l. 1, for *comerce*, r. *commerce*.
- P. 42, l. 8, for *conuntry*, r. *country*.
- P. 43, l. 5, for *inconfiderble*, r. *inconsiderable*.
- P. 48, l. 16. for *tenentti*, r. *tenenti*.
- P. 55, l. 7, dele *for*.
- P. 69, l. 9, dele *in some degree*.
- P. 73, in the Notes, l. 1. for *Montesquien*, r. *Montesquieu*.
- P. 74, in the Notes, l. 7. for *Sheriffs*, r. *Sheriff*.
- P. 75, in the Notes, l. 10, for *parposes*, r. *purposes*.
- P. 89, in the Note, l. 12. for *tenentes*, r. *tenentis*.
- P. 100, l. 13, for *conditions*, r. *condition*.
- P. 103, l. 1, in the Note, for *mention*, r. *mentioned*.
- P. 129, l. 10, for *others*, r. *other*.
- P. 146, l. 4, for *one* r. *a person*.
- P. 162. in the Note, l. 10, after the Word *case*
insert *here*.
- P. 179, in the Note, l. 16. dele *the*.
- P. 181, l. 4, for *Euope*, r. *Europe*.

E R A T A

- P. 35. Pref. l. 9. delete.
- P. 12. l. 3. for Government, read Government.
- P. 12. In the Note, for Dargah, r. Dargah.
- P. 28. l. 1. for removed, r. removed.
- P. 42. l. 8. for country, r. country.
- P. 43. l. 5. for invariable, r. invariable.
- P. 48. l. 10. for transmit, r. transmit.
- P. 55. l. 7. delete.
- P. 60. l. 4. delete.
- P. 73. In the Note, l. 1. for invariable, r. invariable.
- P. 77. l. 7. for 26th, r. 26th.
- P. 77. l. 10. for 26th, r. 26th.
- P. 80. l. 12. for transmit, r. transmit.
- P. 100. l. 1. for transmit, r. transmit.
- P. 103. l. 1. in the Note, for transmit, r. transmit.
- P. 120. l. 10. for other, r. other.
- P. 146. l. 4. for over, r. over.
- P. 162. In the Note, l. 10. after the Word, r. insert.
- P. 170. In the Note, l. 10. delete.
- P. 187. l. 4. for 26th, r. 26th.



